05 Motions for resolutions, and other B8 documents

05_09. Motions to wind up debate on statements by other institutions: Rule 123(2)

Cover page



EUROPEAN PARLIAMENT

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Plenary sitting

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(DRAFT) MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 123(2) of the Rules of Procedure(³)

on Supporting Consumer Rights in the Digital Single Market

[Internal footer]⁽⁴)

PE000.000v00-00

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- (¹) The relevant departments will insert the numbering after the motion for a resolution has been tabled. No numbering will appear here in draft motions for resolutions at the committee stage.
- (²) The word 'DRAFT' appears on the cover page whilst the document is still at the committee stage. It is deleted once the committee has taken a decision on the document. It never appears on documents emanating from political groups or a number of Members.
- (³) Rule 123(2) applies by analogy to statements by the Court of Auditors (Rule 125) and the European Central Bank (Rule 126).
- (⁴) Variable, depending on DG. See 00_02. *Rules on footers in Parliament's documents*.

Pages for plenary sitting

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European Parliament resolution on Supporting Consumer Rights in the Digital Single Market ([2014/](RSP))

The European Parliament,

- having regard to Articles 3(3) and 6 of the Treaty on European Union,
- having regard to Articles 9, 10, 12, 14, 16, 26, 114(3) and 169(1) of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union, in particular to Articles 8, 11, 21 and 38 thereof,
- having regard to the codecision procedure 2013/0309 on a proposal for a regulation laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent (A7-0190/2014),
- having regard to the Commission staff working document of 23 April 2013 entitled 'E-commerce Action plan 2012-2015 – State of play 2013' (SWD(2013)0153),
- having regard to the Commission's Internal Market Scoreboard 26 of 18 February 2013,
- having regard to the European Commission's 2014 Digital Agenda Scoreboard Reports,
- having regard to the Commission communication of 11 January 2012 entitled 'A coherent framework for building trust in the Digital Single Market for e-commerce and online services' (COM(2011)0942),
- having regard to the report of the Internal Market and Consumer Protection Committee entitled 'A New Agenda for European Consumer Policy', adopted on 25 April 2013 (A7-0163/2013),
- having regard to its resolution of 4 February 2014 on the implementation of the Unfair Commercial Practices Directive 2005/29/EC,
- having regard to its report of 14 October 2014 on Unleashing the potential of cloud computing in Europe,

- having regard to its resolution of 4 July 2013 on completing the Digital Single Market,
- having regard to its resolution of 11 December 2012 on completing the Digital Single Market,
- having regard to its resolution of 22 May 2012 on a strategy for strengthening the rights of vulnerable consumers,
- having regard to its report of 3 April 2012 on a competitive digital single market e-Government as a spearhead,
- having regard to its resolution of 15 November 2011 on a new strategy for consumer policy,
- having regard to the 2013 study of the European Parliament's Policy Department A on how to build a ubiquitous EU Digital Society,
- having regard to the 2013 study of the European Parliament's Policy Department A on "entertainment x.0 to boost broadband deployment",
- having regard to Rule 123(2) of its Rules of Procedure,
- A. Whereas the Digital Single Market is one of the areas of progress that although holding challenges, contains the potential of high efficiency gains that can amount to EUR 260 billion per year and thereby contributing to Europe's recovery from the crisis;
- B. Whereas the Digital Single Market is one of the most innovative sectors of the economy, thereby playing a major role in the competitiveness of the European economy and contributing to economic growth through the development of e-commerce, while also facilitating administrative and financial compliance of businesses and presenting consumers with increased choice of goods and services;
- C. Whereas the Digital Single Market brings not only economic benefits but has also a profound impact on the daily political, social and cultural life of EU consumers and citizens;
- D. Whereas a competitive Digital Single Market cannot exist without fast broadband and telecommunications networks of increased capacity, across all EU regions, including remote areas;
- E. Whereas the already existing and a further widening of the digital divide directly negatively affects the development of the Digital Single Market, both in terms of a divide in access to the internet and on the level of a divide in e-skills;

- F. Whereas the protection of personal data and of privacy as well as the security of electronic communications and networks are a priority in the Digital Single Market, as these are fundamental prerequisites for its functioning and the creation of citizens' and consumers trust in it;
- G. Whereas online markets need to be at the same time flexible and consumer-friendly in order to enable their growth and spread;
- H. Whereas e-commerce is an important complement to offline trade and an important driver of consumer choice, competition and technological innovation, thereby contributing to the European Union's convergence into a knowledge-driven economy;
- I. Whereas unfettered competition and a level playing field for companies fostering investments is vital to this sector of the economy, to ensure its long-term sustainable development to the benefit of end-users, and whereas effective competition is a good driver of efficient investment and can provide benefits for consumers in terms of choice, price and quality;
- J. Whereas in some areas of the Digital Single Market there are vulnerabilities brought about by excessive market concentration and dominant operators;
- K. Whereas the challenge of market fragmentation and lack of interoperability in the European Union is an obstacle for the rapid development of the Digital Single Market;
- L. Whereas employment created through the Digital Single Market is, on average, highly skilled and remunerated and as such an important contribution to the creation of quality and sustainable employment;
- Calls on the Member States and the European Commission, through sustained efforts of implementation of existing rules and enforcement of these, as part of an overarching strategy, to address all existing barriers that hinder the development of the Digital Single Market. These need to be at the heart of the EU's efforts to generate economic growth and employment as well as strengthen EU's competitiveness and resilience within the global economy;
- 2. Stresses that any legislative proposal related to the Digital Single Market shall comply with the EU Charter for fundamental rights, so that rights enshrined therein are fully protected in the digital domain;
- 3. Stresses the need to tackle and combat the digital divide in order to fully grasp the potential of the Digital Single Market and to guarantee the inclusion of all citizens, regardless of their income, social situation, geographical location, health or age in society in the digital era;
- 4. Calls on the Commission to ensure swift implementation and to further open of the Single Market for services and to ensure the implementation and enforcement of rules such as the

Consumer Rights Directive, alternative dispute resolution and online dispute resolution, while ensuring the reduction of administrative burdens;

- 5. Calls on the swift adoption of the new modernised Data Protection Package to provide an appropriate balance between a high level of protection of personal data, user safety and control over one's personal data and a stable, predictable legislative environment in which businesses can flourish in an enhanced Single Market for the benefit of end-users, a level playing field fostering investment, an environment contributing to the attractiveness of the EU as a destination for businesses; calls on the Commission and the Member States to allocate the necessary resources to fight cybercrime by means of legislative measures and law-enforcement cooperation, both at the national and the EU level;
- 6. Stresses the need to ensure a level playing field for companies operating in the Digital Single Market in order for them to be able to compete, therefore calls on the Commission to properly enforce the EU competition rules in order to prevent excessive market concentration and abuse of dominant position and to monitor competition with regard to bundled content and services;
- 7. Notes that a level playing field for companies in the Digital Single Market must be ensured to guarantee a vibrant digital economy in the EU; stresses that a thorough enforcement of EU competition rules in the Digital Single Market will be determinant for the growth of the market, consumer access and choice and competitiveness in the long term;
- 8. Urges the Council to make swift progress and open negotiations with the European Parliament on the proposal for a Regulation laying down measures concerning the European Single Market for electronic communications and to achieve a Connected Continent as it would concretely put an end to roaming charges inside the EU, provide more legal certainty as regards net neutrality and improve consumer protection inside the Digital Single Market, this regulation could constitute a crucial step towards realising a single European mobile market;
- 9. Stresses that all internet traffic should be treated equally, without discrimination, restriction or interference, independently of its sender, receiver, type, content, device, service or application;
- 10. Notes that the online search market is of particular importance in ensuring competitive conditions within the Digital Single Market, given the potential development of search engines into gatekeepers and their possibility of commercialising secondary exploitation of obtained information; therefore calls on the Commission to enforce EU competition rules decisively, based on input from all relevant stakeholders and taking into account the entire structure of the Digital Single Market in order to ensure remedies that truly benefit consumers, internet users and online businesses; furthermore calls on the Commission to consider proposals with the aim of unbundling search engines from other commercial services as one potential long-term solution to achieve the previously mentioned aims;
- 11. Stresses that when using search engines, the search process and results should be unbiased in order to keep internet search non-discriminatory, to ensure more competition and choice for users and consumers and to maintain the diversity of sources of information; therefore notes that indexation, evaluation, presentation and ranking by search engines must be

unbiased and transparent, while for interlinked services, search engines must guarantee full transparency when showing search results; calls on Commission to prevent any abuse in the marketing of interlinked services by operators of search engines;

- 12. Welcomes the announcement of further investigations by the European Commission of the search engines' practices and of the digital market in general;
- 13. Calls on the Commission to come up with the long overdue copyright reform, in particular with regard to measures which would enhance the potential of the Digital Single Market, especially concerning access to content, dissemination of knowledge and viable models for cross-border services; in this regard, the review of Directive 2001/29/EC is fundamental for the future reform, which should take into account new technologies as well as consumers and users behaviour;
- 14. Stresses the importance to ensure an efficient and balanced framework for the protection of copyright and intellectual property rights, adapted to the reality of the digital economy, whilst guaranteeing the interests of consumers and internet users;
- 15. Encourages a swift adoption and enactment of international provisions facilitating access of disabled users to digital content as well as to printed works by their digitalisation;
- 16. Calls on Commission and Member States to further develop and implement EU and national regulatory frameworks in order to allow for an integrated and secure online and mobile payments market, while ensuring the protection of consumers and customers data; underlines in this respect the necessity for clear and predictable rules set in legislation;
- 17. Reminds that cloud computing can become a powerful instrument for the development of the Digital Single Market, and can bring economic benefits especially for SMEs by reducing IT infrastructure and other costs; highlights in this respect that if cloud services are provided only by a limited number of large providers, an increasing amounts of information is aggregated in the hands of those providers; further reminds that cloud computing also entails risks for users, in particular as regards sensitive data; calls for a proper implementation of the European strategy to guarantee competitive and secure cloud computing;
- 18. Calls on the Commission to take the lead in promoting international standards and specifications for cloud computing, which enable privacy-friendly, reliable, highly interoperable, secure and energy-efficient cloud services as an integral part of a future Union industrial policy; stresses that reliability, security and protection of data is needed for consumer confidence and competitiveness;
- 19. Instructs its President to forward this resolution to the Council and the Commission.