

PARLIAMENT OF ROMANIA

CHAMBER OF DEPUTIES

DECISION

approving the opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A comprehensive approach to stimulating cross-border e-Commerce for Europe's citizens and businesses (COM(2016) 320)

Pursuant to the provisions of Articles 67 and 148 of the Romanian Constitution, republished, of Law No 373/2013 on cooperation between Parliament and the Government in the area of European affairs, and of Articles 160 to 185 of the Rules of Procedures of the Chamber of Deputies, republished,

the Chamber of Deputies hereby adopts this Decision:

Sole Article - Having regard to Opinion No 4c-19/975, adopted by the Committee for European Affairs at its meeting of 14 September 2016, the Chamber of Deputies:

1. recalls that completing the digital single market is the second largest policy priority of the President of the European Commission and is intended to create jobs and boost growth in the EU, and that improving access to digital goods and services across the EU for consumers and businesses by removing barriers to e-commerce is an important chapter in completing the digital single market;
2. points out, however, that an excessive focus on e-commerce in the implementation of the digital single market strategy could reduce the EU's capacity to also promote other emerging technological innovations, such as bionics, robotics, artificial intelligence, the Internet of Things, virtual reality, etc.; emphasises that these are innovations in which large transnational companies are currently investing and are therefore likely to be the next qualitative leap in the economy;
3. believes that the digital single market strategy should pay more attention to entrepreneurial capacity building, as the most difficult obstacles that businesses have to overcome do not relate to regulation, but to access to capital and managers who are able to build companies that focus on complex technologies world-wide;
4. notes that the European Commission's plan to deliver on its single market and digital single market strategies includes three proposals aimed at boosting e-commerce by tackling geo-blocking, ensuring availability of more affordable and efficient cross-border parcel delivery services and promoting consumer trust by improving protection and law enforcement;
5. notes that the Communication under examination explains how the three proposals put forward in the e-commerce package interact with one another and how they relate to other

digital single market initiatives, including two legislative proposals on consumer rights in digital contracts and VAT simplification;

6. recalls that in its digital single market strategy, the European Commission already proposed immediate measures to remove barriers to cross-border online activity and that one of the key measures was prevention of unjustified differentiated treatment of consumers and businesses when they try to buy goods and services online within the EU;

7. recalls that in its single market strategy, the Commission announced its intention to fight all forms of unjustified differentiated treatment of purchasers based in different Member States;

8. shares the Commission's view that consumer access to offers in other countries is frequently denied in the online environment either by re-routing consumers to a country-specific website or by accepting only payment using credit or debit cards from a certain country;

9. shares the Commission's view that such discrimination has no place in the internal market and notes that tackling these practices is long overdue, considering that the principle of non-discrimination in trade was laid down in the Services Directive, in force since as early as 2006, and that it had been shown that there was scope for progress in some service sectors;

10. takes the view that unjustified restrictions such as geo-blocking and discrimination based on the IP address, postal address or the country where the credit card was issued also infringe EU competition rules;

11. notes that no excessive obligations are placed on traders and that there is no general obligation to deliver goods and services to any Member State or to accept any electronic payment instrument;

12. notes that policymakers at EU level seem to accept the fact that there are justifications for market fragmentation, such as those under the freedom to conduct business, copyright and rules on the protection of minors or advertising; notes that the same reservations have contributed to the current situation, where the internal market has still not been completed;

13. notes that the legislation proposed by the Commission provides for exceptions to the equal treatment of customers by traders, for example in cases objectively justified for reasons such as VAT or certain legal provisions of public interest.

14. recalls, in this context, that Article 20 of the Services Directive has not helped to meet the proposed objectives precisely because it allowed for 'objective' justifications for discrimination based on nationality, place of residence or place of establishment;

15. subscribes to the request of the European Parliament to the European Commission to identify and define groups of cases in which discrimination is justified under Article 20(2) of the Services Directive, in order to clarify what is unjustified discriminatory behaviour by

private entities and to provide interpretative assistance to authorities responsible for applying that Article in practice;

16. shares the view that the proposed revision of the Consumer Protection Cooperation Regulation will give more powers to national authorities to better enforce consumer rights; welcomes the fact that national authorities will be able to check whether webpages use consumer geo-blocking or whether they provide after-sale services that do not comply with EU rules, to order the immediate take-down of websites hosting scams, and to demand information from domain registrars and banks in order to determine the identity of the trader responsible;

17. recommends that the national authorities adopt the necessary measures to increase Romanian SMEs' trust in e-commerce by offering protection and security packages.

This Decision was adopted by the Chamber of Deputies at its sitting of 20 September 2016 in compliance with Article 76(2) of the Romanian Constitution, republished.

PRESIDENT OF THE CHAMBER OF DEPUTIES

Florin Iordache

Bucharest, 20 September 2016.

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