Despite the rapid growth of e-commerce, most businesses in the Netherlands do not yet make the most of the Digital Single Market. Only 13% of Dutch retailers sell online to consumers in other EU countries, while 34% sell online in their own country.

Differences in national contract laws are a significant obstacle for cross-border sales for three out of ten Dutch retailers (32%) currently selling online.

If the same rules for e-commerce applied across the EU, 46% of Dutch businesses that are either active or interested in online cross-border trade would ‘definitely’ or ‘to some extent’ start or increase their online cross-border sales.

Consumers in the Netherlands also miss out on the potential of broader choice of products and better prices. Only 21% of Dutch consumers buy online from other EU countries, while 67% buy online in their own country.

Low confidence plays a key role: only 38% of Dutch consumers feel confident buying online from another EU country.
What solution is the European Commission proposing?

The Commission is proposing two Directives: one for digital content and another for goods. Together they will ensure that the same key contract law rules apply across the EU for online purchases of goods and the supply of digital content.

**Businesses**

How will these Directives improve life for businesses in The Netherlands?

Businesses in the Netherlands will be able to supply digital content and sell goods online to consumers throughout the EU, based on the same set of contract law rules. This will increase legal certainty and create a business friendly environment.

When supplying digital content, Dutch businesses will avoid the cost of legal fragmentation which is emerging due to the lack of EU wide rules and the fact that some Member States are starting to put into place specific national legislations. When selling goods, businesses will save the costs of adapting to the contract law rules of every Member State they wish to sell in.

**Consumers**

How will these Directives improve life for consumers in The Netherlands?

Consumers in the Netherlands will have access to offers from more traders across the EU and will therefore benefit from a wider choice of products, at more competitive prices.

Consumers will have specific rights with a high level of protection when accessing digital content and buying goods online. For digital content, the rules will apply regardless of whether consumers pay with money or give their personal data to the supplier in order to access the content (e.g. by simply registering).

Three out of ten consumers’ top concerns about buying online from other EU countries are related to key contract law rights, such as non-delivery of their order, delivery of a wrong or damaged product, or repair and replacement of a faulty product.

36% of Dutch consumers who accessed four popular types of digital content (music, games, anti-virus software and cloud storage) over the last 12 months had at least one problem relating to the quality, access or terms and conditions of the content they had paid for. Moreover, 31% had at least one problem with content that they did not pay for with money.

Consumers in the Netherlands will have access to offers from more traders across the EU and will therefore benefit from a wider choice of products, at more competitive prices.

Common rules across the EU will reduce contract law-related consumer concerns. More consumers will be encouraged to start buying online from other EU countries, thus creating a market of up to 70 million online cross-border buyers. This will open up new markets and will be particularly beneficial for small and medium enterprises (SMEs), who need to build their customer-base and often need to go beyond their home market.
How will these Directives contribute to economic growth?

Removing contract law-related obstacles will facilitate cross-border trade.

The increased economic activity is expected to increase EU GDP by €4 billion from its current level.

The Netherlands’s GDP in particular is expected to increase by about €132 million.

Increased competition will drive consumer prices down throughout the EU. This will lead to additional consumer welfare and is estimated to increase household consumption in the EU by €18 billion from its current level.

In the Netherlands, the decrease of consumer prices is estimated to increase household consumption by €710 million.
SOURCES:

- Flash Eurobarometer 396 ‘Retailers’ attitudes towards cross-border trade and consumer protection’ (2015)
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- Eurobarometer 397 ‘Consumer attitudes towards cross-border trade and consumer protection’ (2014)
- ‘Consumer surveys identifying the main cross-border obstacles to the Digital Single Market and where they matter most’, GfK (2015)