

PRESS RELEASE

EDiMA reactions to Commission proposal on digital contract rules

Brussels, 9 December 2015 – EDiMA welcomes the European Commission’s intention to streamline contract law and consumer protection rules at a European level in an attempt to facilitate greater cross-border transactions and e-commerce. However, for these initiatives to be successful, they should result in a practical and workable framework and create an environment that fosters innovation now and in the future. EDiMA would like to highlight its concerns particularly that a number of areas appear to be overly complex, prescriptive and restrictive.

Siada El Ramly, Director General of EDiMA noted “the draft Directives is very prescriptive and could even lead to a situation where every click can be considered a contract proposal. Working on this basis could lead to the legislative pieces handicapping e-commerce in Europe. It is essential that the eventual Directives foster legal certainty instead of the opposite by extending the definition of digital content far beyond the current definition entrenched in the Consumer Right Directive.¹ We are also very concerned about the consideration of data as a form of payment. The notion of a consumer being able to somehow retrieve their data in a ‘commonly used data format’² leads to numerous questions as to how this should effectively work and what the implications may be concerning costs and a company’s abilities to use their own data formats. It is essential that these issues are resolved if the Commission’s initiative is indeed to contribute to the establishment of a strong environment for e-commerce in Europe and a truly Digital Single Market.

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* EDiMA is the European trade association representing online platforms. It is an alliance of new media and Internet companies whose members include Airbnb, Allegro Group, Amazon EU, Apple, eBay, Expedia, Facebook, Google, King, LinkedIn, Microsoft, Netflix, PayPal, TripAdvisor, Twitter, Yahoo! Europe, Yelp. EDiMA’s members provide Internet and new media platforms offering European consumers a wide range of online services, including e-content, media, e-commerce, communications and information/search services.

¹Art. 2 of the proposed Directive on the supply of Digital content

²Art. 13 of the proposed Directive on the supply of Digital content