

COMMISSIONER Elzbieta Bieńkowska
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Dear Commissioner Bieńkowska,

Joint letter from Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, Ireland, Latvia, Lithuania, Luxembourg, Poland, Slovenia, Sweden and United Kingdom in preparation of the Transport, Telecommunications and Energy and Competitiveness Council meetings 26 May 2016

A stronger and more coherent Digital Single Market is essential to boost growth and jobs in all regions across Europe. The benefits of the Digital Single Market can only be reaped if a high level of ambition is maintained, if progress is made on all necessary elements and if we keep a positive approach to digital disruption.

We share the vision of a Digital Single Market with a simple, transparent and stable regulatory environment that stimulates digital entrepreneurship and spurs digitisation across the economy to the benefit of business and consumers. The Digital Single Market should be characterised by openness towards innovation and new business models, by stronger competition and minimal barriers, and a favourable environment for new entrants. A market-based approach where businesses do not face unjustified burdens, can operate freely across borders like they do in their home countries, and all legislation is digital by default is equally essential.

We emphasise the importance of taking an evidence-based approach, basing new legislative proposals on the Better Regulation principles and especially conducting sound and thorough impact assessments to ensure a balanced and proportional level of regulation.

We encourage the Commission to move ambitiously forward in its efforts to remove regulatory and non-regulatory barriers in the Digital Single Market taking the following into account.

Build a solid foundation for the digital economy. For the digital economy to flourish businesses and consumers must thrive in a trusted and connected digital environment.

We must provide a coherent and technology neutral data-protection regime without overlapping regulation. We encourage the Commission to deliver an ambitious review of the e-Privacy directive with the aim to repeal all elements that are no longer fit for purpose while ensuring the right balance between digital products and services and the fundamental rights of data subjects across the regulatory framework.

Ubiquitous access to high-speed broadband and innovative communication services is an integral part of the telecommunications review. The regulatory framework should be adapted to better spur investments in high-speed broadband and promote competitive prices and innovative services by removing all unjustified requirements

Strengthen the framework for digital innovation and entrepreneurship. It is vital for European competitiveness to take a positive approach to new advancements in digital technologies and business models.

Online platforms bring new opportunities for consumers and businesses and content providers alike. We should welcome their contribution to innovation and refrain from one-size-fits-all regulation which would reduce competition and hamper innovation. In the first instance we should focus on enforcing existing rules, such as consumer, competition, intellectual property and data protection rules, and a balanced approach to intermediaries, to ensure that all businesses sectors, industries, consumers and society as a whole are able to share the benefits of a vibrant, creative and innovative platform economy. Alternatives to regulation should be investigated rather than adding new burdensome regulation of businesses. Any regulatory proposals would have to be considered carefully.

Europe can benefit significantly from new data-driven technologies if the right future-proof regulatory framework is established. It should be ensured that data can move freely across borders, both within and outside the EU, by removing all unjustified barriers to the free flow of data and that regulation does not constitute a barrier to development and adoption of innovative data-driven technologies. Furthermore addressing digital skills is important to achieve a functioning DSM.

Move the single market into the digital age. As both consumers and businesses can benefit significantly from cross-border e-commerce within Europe we need to step up efforts to make it easier to trade online across the internal market and not impose new burdens on businesses.

In the long run we strive to remove the most significant barriers to cross border e-commerce through common rules on consumer protection at a high level with aligned consumer rights online and offline. Action on e-government including EU-level information exchange and cross-border services can significantly reduce friction and administrative burdens.

Meanwhile efforts should be made to provide consumers and businesses with regulatory certainty and easy access to information about existing rules. The Single Digital Gateway should contribute to this through a user-friendly architecture and an improvement of the underlying instruments and online procedures at Member State level. In addition cooperation between national consumer protection authorities should be strengthened.

We fully support the attention the Commission gives to the Digital Single Market and the ambition as it is outlined in the Commission's strategy from May 2015 encouraging the Commission to remain big on big things and small on small things. We look forward to continue to work with you to strengthen Europe's digital competitiveness.

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This letter has also been sent to Minister of Economic Affairs of the Netherlands Henk Kamp, vice-president Andrus Ansip, vice-president Jyrki Katainen and commissioner Günther Oettinger of the European Commission.