

Legal instruments of e-commerce within the law of regional integration organisations (EU experience)

ISKANDER ASATULLIN, KAZAN FEDERAL UNIVERSITY

The Pillars

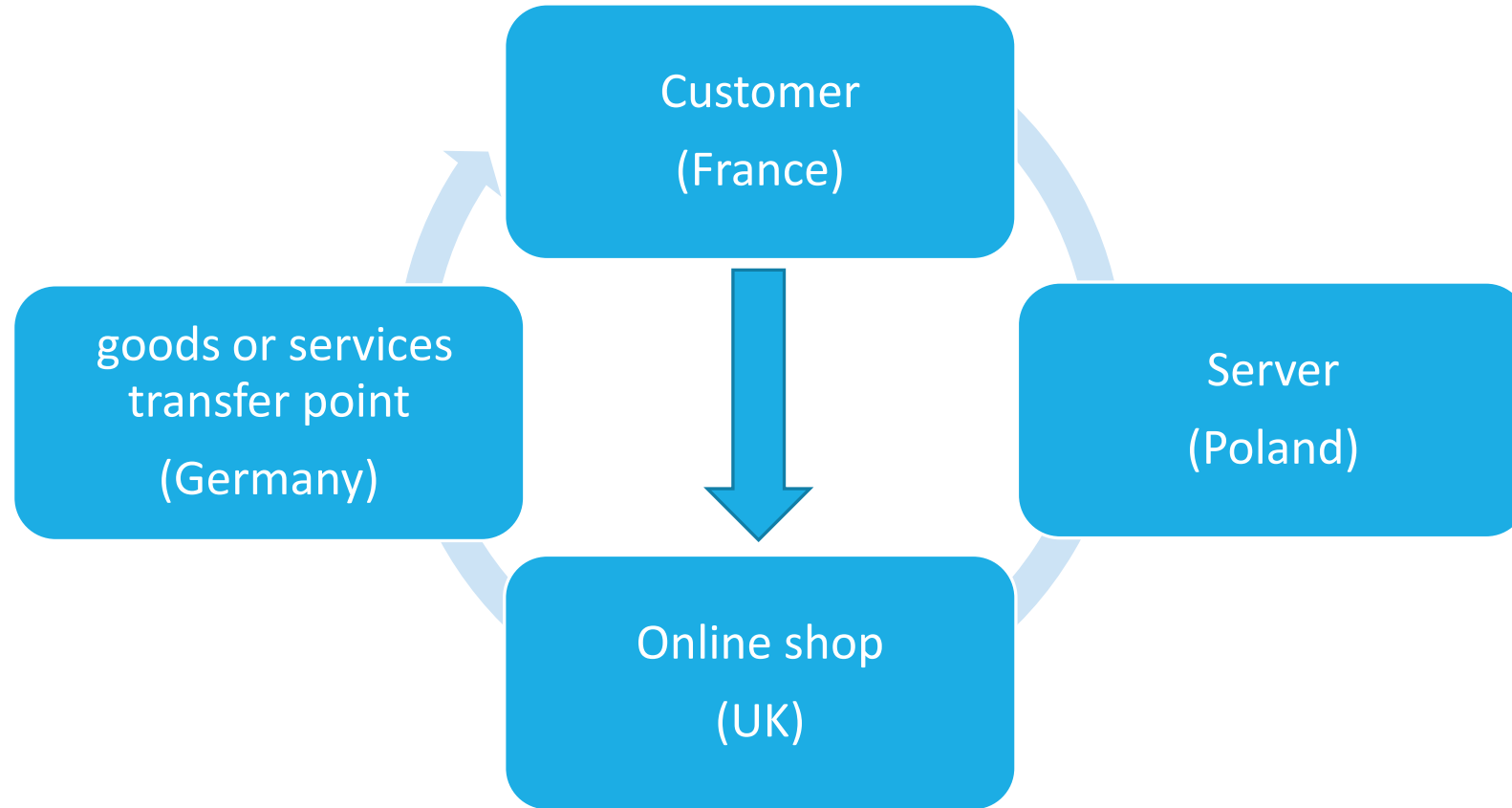
The Digital Single Market Strategy is built on three pillars:

Access: better access for consumers and businesses to digital goods and services across Europe;

Environment: creating the right conditions and a level playing field for digital networks and innovative services to flourish;

Economy & Society: maximising the growth potential of the digital economy.

Simplified scheme



Actions providing better online access to digital goods and services

Improvement of data protection rules.

Spreading of wireless networks, new developments providing an innovative technologies processing personal data online demands a new legal framework.

E-commerce making easier.

Make cross-border commerce easier, especially for small and medium businesses. Today only 15% of consumers shop online from another EU country. Harmonising consumer and contract rules will both encourage more businesses to sell online across borders and give consumers more confidence.

- **Improving parcel delivery.** Promote affordable, high-quality cross-border delivery services — building consumer trust, making delivery more efficient and affordable, and making it more attractive to buy from another EU country. 62% of companies who would like to sell online say that high delivery costs are a problem for them.
- **Tackling geo-blocking.** Geo-blocking leaves many Europeans unable to use the online services available in other EU countries, or redirects them to a local store with different prices. This is often done without any justification. Such discrimination cannot exist in a single market.

Actions providing better online access to digital goods and services

Modernising copyright law

Modernise copyright and ensure the right balance between creators' and consumers' interests. This will give people better access to culture, support cultural diversity, and open new doors for artists and creators. The Commission will also step up enforcement against commercial-scale infringements of intellectual property rights.

Simplifying VAT rules

Make it easier for businesses – especially small businesses – to buy and sell in other EU countries. Selling cross-border within the EU can mean over € 5 000 in VAT compliance costs, per extra country per year. Single electronic registration and payment, and common thresholds, can cut the burden.

Data protection

Legal framework:

The 1995 Data Protection Directive (95/46/EC)

- Article 1 Member States shall protect the fundamental rights and freedoms of natural persons, and in particular their right to privacy with respect to the processing of personal data. Member States shall neither restrict nor prohibit the free flow of personal data between Member States for reasons connected with the protection afforded under paragraph 1.
- Article 2 defined personal data. Which shall mean any information relating to an identified or identifiable natural person ('data subject'); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity;
- Article 28 establishing the supervisory authorities.

The 2006 Data Retention Directive (2006/24/EC)

- Article 5 comprised the scope of data should be retained.
- Article 7 (b) the data shall be subject to appropriate technical and organisational measures to protect the data against accidental or unlawful destruction, accidental loss or alteration, or unauthorised or unlawful storage, processing, access or disclosure;
- Article 7 (d) the data, except those that have been accessed and preserved, shall be destroyed at the end of the period of retention.

Actions making e-commerce easier

In July 2013, the Commission put forward a package including a legislative proposal for a revised Payment Services Directive (“PSD2”); and a proposal for a new Regulation on interchange fees for card payments.

In May 2015 a political agreement on a compromise between the European Parliament's report and the Council's position on PSD2 was adopted.

In December 2013 European Retail Payment Board (ERPB) was set up.

On 29 April 2015 the Interchange Fee Regulation was adopted, and entered into force on 19 May 2015.

Modernising copyright law

The European Commission adopted on 18 December 2012 a Communication on "Content in the Digital Single Market".

Commission initiative Directive on collective management and multi-territorial licensing of rights in musical works for online uses has already been adopted by the European Parliament and Council (**2014/26/EU**)

Article 3(a) defined 'collective management organisation' means any organisation which is authorised by law or by way of assignment, licence or any other contractual arrangement to manage copyright or rights related to copyright on behalf of more than one rightholder, for the collective benefit of those rightholders, as its sole or main purpose, and which fulfils one or both of the following criteria:

it is owned or controlled by its members;

it is organised on a not-for-profit basis;

Thank you for your attention!

