



Brussels, 9th July 2015

Dear Commissioner Jourová

Our organisations represent a wide array of companies in the European digital sector which employ many European citizens. We welcome and strongly support the European Commission's plans to create a European Digital Single Market ("DSM"), which represents a major opportunity for both European consumers and businesses. Our sectors have been supplying digital goods and services across borders for many years. This includes groundbreaking software and cloud services that have made businesses and public institutions more efficient, and highly-innovative digital platforms, social media products and video games that have broken down cultural borders and boundaries. All of this has improved the quality of life of European citizens while growing a smart and innovative European digital economy.

Consumer willingness to engage in cross-border online commerce is a critical element in the current and future success of the DSM. It is equally essential for business to provide services and be given the space to innovate and provide new services to consumers. Europe's consumer rules must inspire confidence and trust in order for consumers to be willing to engage, while ensuring legal certainty for businesses to provide services and a minimum administrative burden to do so.

We recognise that harmonisation of EU law for online purchases of digital content can provide further confidence and consistency across the DSM. However, we are still unclear as to why there is a need to introduce new rules and why there is not more focus on promoting existing rules first in the spirit of the Better Regulation agenda. Should a new proposal still be deemed necessary, then a combination of harmonisation to boost trust and the "home option" for business to engage in cross-border trade with legal certainty is a pragmatic and sustainable approach for the future. This would ensure an environment that, in the spirit of better regulation, would allowed for focus on areas that require further harmonisation through a transparent evidenced base approach.

Some recent thoughts that the Commission has shared with stakeholders in the context of the stakeholder dialogue will make it more difficult for businesses, especially small businesses, to grow and compete within and outside the EU – without necessarily providing any benefit to consumers. One such example, is the suggestion to use a wide and untested definition of digital content and services that fails to recognise the complexity of software based products and how they evolve to provide new features over time.

In the digital world, developments regarding the delivery of services in its many formats is every evolving. This innovation should not only be allowed to continue, but should be fostered. Similarly, some of the thoughts on the right of return, remedies and conformity seem to be overly complex, prescriptive and restrictive and therefore a cause of concern.

We therefore favour a Europe-wide light-touch approach, as is already implemented and successful in the UK and the Netherlands today. In both cases, the specific nature of how digital products are provided and enjoyed by consumers is taken into account. Such an approach will create stability and promote growth and the interests of consumers alike.

We look forward to continuing to work with the European Commission to find a practical, realistic and evidence based solution to both protect the consumer and foster innovation, jobs and growth.

Yours sincerely

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