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Open Consultation on GEO-BLOCKING AND OTHER GEOGRAPHICALLY-BASED RESTRICTIONS WHEN SHOPPING AND ACCESSING INFORMATION IN THE EU

INTRODUCTION

This consultation aims at gathering views and opinions on the different restrictions faced by users, consumers and businesses when they access or provide information, shop or sell across the borders in the European Union.

This will inform the Commission for its ongoing work in preparing legislative proposals on geo-blocking under the Digital Single Market Strategy as well as the follow up to the forthcoming Internal Market Strategy for Goods and Services planned for October 2015.

Questions apply regardless of whether the action takes place online or offline, unless the context makes it clear otherwise.

The public consultation is available in all official languages.

The views expressed in this public consultation may not be interpreted as stating an official position of the European Commission.

If a respondent wishes to have confidential treatment of his/her response, this will be ensured.

For further information and background on this consultation, please refer to the background document

Geoblocking%20introduction%20text.pdf

This public consultation will close on 28 December 2015 (12 weeks from the day when all language versions have been made available).

How to answer the questionnaire

This questionnaire is composed of two sets of questions: one for customers and one for traders.

If you are a consumer or reply on behalf of consumers, please choose "consumer perspective" in question 1.

If you are a business or reply on behalf of businesses you can choose to reply:

- as a business mainly selling goods and services, please choose "company perspective" in question 1
- as a business mainly buying goods and services, please choose "consumer perspective" in question 1
- as a business selling AND buying goods and services, please choose "consumer AND company perspective" in question 1

Respondents living with disabilities can request the questionnaire in .docx format and send their replies in email to the following address:

CNECT-GEOBLOCKING-CONSULTATION@ec.europa.eu.

If you are an association representing several other organisations and intend to gather the views of your members by circulating the questionnaire to them, please send us a request in email and we will send you the questionnaire in .docx format. However, we ask you to introduce the aggregated answers into EU Survey. In such cases we will not consider answers submitted in other channels than EU Survey.

INFORMATION ABOUT THE RESPONDENT

1. P	lease indicate who you are (single choice):
	Consumer perspective
0	Company perspective

- Consumer AND company perspective
- Others

Tell us about you

- Company providing goods or services
- Business federation
- Chambers of commerce

Please specify the sector of activity

ICT

2. Please indicate your place of residence or establishment:

Belgium			
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- 3. Please specify if you are based in:
 - A city (cities of more than 50,000 inhabitants)
 - A (small) town or suburban area (5,000 to 50,000 inhabitants)
 - A rural area
- 4. Please provide your contact information (name, address and e-mail address)

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- 5. Is your organisation registered in the Transparency Register?
 - Yes
 - No
 - Not relevant

Registration No.

920867915729-68

You have the opportunity to register your organisation (http://europa.eu/transparency-register/index_en.htm) before you submit your contribution.

If you are an association, would you like to share with the Commission any evidence collected from your members or from other sources on geo-blocking or/and other forms of discrimination based on customer's nationality, location or residence?

500 character(s) maximum

Please upload your file (pdf or doc)

QUESTIONS

Traders

1. As a general principle, consumers and businesses should be able to purchase and access

2. Which forms of geoblocking and other geographically- based restrictions do you consider as creating significant obstacles to the single market?

	l strongly agree	l agree	Neither agree nor disagree	l disagree	l strongly disagree
Blocking any access to websites across borders, thereby denying access to information, comparisons of service or product ranges and prices), with or without rerouting to 'national' websites	•	•	•	•	•
Allowing access to websites and offers across borders but denying the possibility to complete the order or purchase after obtaining information on the geo-location or residence of the user;	•	•	•	•	•
Allowing access to websites across borders but denying the possibility to download digital products across borders	0	0	0	•	0
Allowing access to websites and offers across borders but denying the possibility to pick up, deliver or ship the goods across borders	0	0	0	•	0
Differentiating prices or other conditions on the basis of the nationality of the customer	0	0	0	•	0

Differentiating prices or other conditions on the basis of the country of residence of the customers or the location from which they are ordering or accessing the services	0	©	©	•	•
Denying access to additional services on the basis of the country of residence of the customers or the location from which they are ordering or accessing the services (e.g. loyalty cards, discounts, reduction vouchers)	©	•	•	•	•
Denying access to after-sales services on the basis of the country of residence of the customers or the location from which they are ordering or accessing the services (e.g. maintenance and repair of the product, customer support)	•	•	•	•	•
Other forms	0	0	0	•	0

Please explain

Legal obligations against geo-blocking could create additional bureaucratic burden for companies.

Comments

3000 character(s) maximum

3. There are different ways in which geo-blocking and other geographically based restrictions can take place. How would you classify the following barriers?

Re-routing to a website targeting the home country of the visitor without the possibility to overrule Refusing access to a website or an offer based on IP-address (or other technical means allowing to determine the geo-location of the user) Refusing access to a website or an offer based on customers' disclosure of their nationality Refusing access to a website or an offer based on customers' disclosure of their residence Terminating the transaction based on customers' disclosure of their residence Refusing foreign credit cards or other foreign means of payment Linking access to, purchase or download of digital goods or services to the postal address of the customers Linking access to or purchase of non-digital goods or services to the postal address of the customers Application of disproportionally higher shipping costs based on the location of the customer Providing a format for address, postal codes or phone etc. which is specific to certain countries Other barriers		Very important	Important	Neutral	Not important	l don't know
an offer based on IP-address (or other technical means allowing to determine the geo-location of the user) Refusing access to a website or an offer based on customers' disclosure of their nationality Refusing access to a website or an offer based on customers' disclosure of their residence Terminating the transaction based on customers' disclosure of their residence Refusing foreign credit cards or other foreign means of payment Linking access to, purchase or download of digital goods or services to the postal address of the customers Linking access to or purchase of non-digital goods or services to the postal address of the customers Application of disproportionally higher shipping costs based on the location of the customer Providing a format for address, postal codes or phone etc. which is specific to certain countries	targeting the home country of the visitor without the possibility	0	0	•	0	•
an offer based on customers' disclosure of their nationality Refusing access to a website or an offer based on customers' disclosure of their residence Terminating the transaction based on customers' disclosure of their residence Refusing foreign credit cards or other foreign means of payment Linking access to, purchase or download of digital goods or services to the postal address of the customers Linking access to or purchase of non-digital goods or services to the postal address of the customers Application of disproportionally higher shipping costs based on the location of the customer Providing a format for address, postal codes or phone etc. which is specific to certain countries	an offer based on IP-address (or other technical means allowing to determine the	•	0	0	0	0
an offer based on customers' disclosure of their residence Terminating the transaction based on customers' disclosure of their residence Refusing foreign credit cards or other foreign means of payment Linking access to, purchase or download of digital goods or services to the postal address of the customers Linking access to or purchase of non-digital goods or services to the postal address of the customers Application of disproportionally higher shipping costs based on the location of the customer Providing a format for address, postal codes or phone etc. which is specific to certain countries	an offer based on customers'	©	•	0	•	©
based on customers' disclosure of their residence Refusing foreign credit cards or other foreign means of payment Linking access to, purchase or download of digital goods or services to the postal address of the customers Linking access to or purchase of non-digital goods or services to the postal address of the customers Application of disproportionally higher shipping costs based on the location of the customer Providing a format for address, postal codes or phone etc. which is specific to certain countries	an offer based on customers'	©	0	0	•	0
other foreign means of payment Linking access to, purchase or download of digital goods or services to the postal address of the customers Linking access to or purchase of non-digital goods or services to the postal address of the customers Application of disproportionally higher shipping costs based on the location of the customer Providing a format for address, postal codes or phone etc. which is specific to certain countries	based on customers' disclosure	©	0	0	•	0
download of digital goods or services to the postal address of the customers Linking access to or purchase of non-digital goods or services to the postal address of the customers Application of disproportionally higher shipping costs based on the location of the customer Providing a format for address, postal codes or phone etc. which is specific to certain countries		0	0	•	0	0
non-digital goods or services to the postal address of the customers Application of disproportionally higher shipping costs based on the location of the customer Providing a format for address, postal codes or phone etc. which is specific to certain countries	download of digital goods or services to the postal address of	0	0	0	•	0
higher shipping costs based on the location of the customer Providing a format for address, postal codes or phone etc. which is specific to certain countries	non-digital goods or services to the postal address of the	0	0	•	•	0
postal codes or phone etc. which is specific to certain countries	higher shipping costs based on	0	0	0	©	•
Other barriers	postal codes or phone etc. which is specific to certain	0	0	0	0	•
	Other barriers	0	0	0	0	0

business (B2B)? O Yes No
5. Have you applied geo-blocking or other geographically-based restrictions in your business (B2B and B2C)?YesNo
If yes, to achieve which aim:
 6. If you apply restrictions or different conditions to customers located in different EU countries, in which circumstances do you provide them with an explanation? We give an explanation upon request of the customer We provide a full explanation upfront on our website, in publicity material or in the shop We provide explanation to consumer associations if they ask us individually We have not been asked any explanation
7. In your opinion, what - beyond legal constraints - might be considered other objective factors justifying geoblocking or, more generally, different treatment of users and customers based on

4. Have you experienced geo-blocking or other geographically-based restrictions in your

their residence or geo-location?

It is the free decision of an entrepreneur not to take part in certain segments of the Digital Single Market due to local regulation based on constraints other than legislation (e.g. youth protection).

8. In your opinion, in which circumstances should geo-blocking, refusing a transaction or, more generally, different treatment of users and customers based on their residence or geo-location not be justified?

	Not justified	Neither justified nor unjustified	Justified	l don't know
Cross border delivery is easily accessible and the customer is prepared to pay additional shipping costs	•	0	0	0
The customer is prepared to organise the delivery	•	0	0	0
There is no additional cost linked to delivery or other administrative burden (for example: simple downloading of digital content, the customer will use the service/good in the country of the trader or of its supplier)	•	©	©	0
Customers are prepared to take the risk of concluding a transaction in the language of the trader	•	0	©	0
The means of payment used by the customer is internationally valid and accepted in the traders' country	•	0	0	0
The brand of the physical store (franchisee or subsidiary) also exists in the customer's country	•	0	0	0
The trader advertises its products or services also in the customer's country	•	0	0	0
The trader has a website targeting specifically the country of the customer	0	•	0	0
The customer is moving to the seller's country but is not registered yet	0	•	0	0
Nationality can never be a justification	•	0	0	0
Residence or location of the customer can never be a justification	0	•	0	0
Other circumstances	•	0	0	0

	Other circumstances	<u> </u>	Ü	Ü	
Р	lease specify				

9. What should constitute elements of a policy response at the EU level on unjustified geoblocking and other geographically based restrictions?

	l strongly agree	l agree	Neither agree nor disagree	l disagree	l strongly disagree
More transparency: companies should have the obligation to make clear before the (trans)action the detailed, objective and verifiable reasons why they treat customers differently based on their residence or nationality	•	•	•	•	•
More transparency: companies should have the obligation to explain upon request the detailed, objective and verifiable reasons why they treat customers differently based on their residence or nationality	•	•	•	•	•
Rules including a list of reasons that may never justify treating domestic and foreign users differently	0	0	0	•	0
Rules including a closed list of objective and verifiable reasons that may justify treating domestic and foreign users differently	0	0	0	•	0
Rules banning ways and means of discriminatory geo-blocking and other restrictions according to your ranking in question 3 above	0	•	•	•	•
Banning the discriminatory blocking of access to websites across borders	0	0	0	•	0

Rules imposing on traders to obtain consent of users/customers prior to automatic rerouting to another website (including another language version of the same website)	©	•	•	©	•
Rules requiring traders to accept cross-border transactions from users/customers from throughout the EU under the same conditions as those applied to users/consumers of the 'home' country of the provider	•	•	•	•	•
Rules requiring traders to accept cross-border transactions from users/customers from throughout the EU under conditions reflecting the additional administrative costs or burdens resulting from the cross-border transaction	•	•	•	•	•
Rules requiring traders to accept cross-border transactions from users/consumers from throughout the EU and to provide delivery cross-border if the users/customers are willing to organise themselves the delivery and cover the additional shipping costs	©	©	•	•	©
Rules prohibiting traders to refuse the cross-border download of digital products (such as software or video games)	0	0	0	•	0
Rules applicable only to online transactions	0	0	0	•	0
Rules applicable only to physical purchases and orders	0	0	0	•	0
Other elements	0	0	0	0	0

10. In your view should SMEs, particularly micro enterprises, be exempted from regulatory measures in this context?

(Vac

O No

If yes, under which circumstances?

Exemption is appropriate if fulfilment of requirements is linked to bureaucratic costs or personal investments in reporting or disclosure duties.

11. In your view what would be the best policy instrument (or combination thereof) to intervene in this context at EU level?

the most important policy instrument would be the harmonization of copyright laws and data protection obligations. This would diminish the necessity for companies to resort to geo-blocking.

12. How can effective implementation best be ensured?

	l strongly agree	l agree	Neither agree nor disagree	l disagree	l strongly disagree
Monitoring and enforcement by the European Commission	0	•	0	0	0
Monitoring and enforcement by national authorities (e.g. consumer protection authorities or competition authorities)	0	•	•	•	•
More effective cross-border cooperation mechanism between national authorities to ensure that rules against unjustified restrictions can be enforced within the EU	•	•	•	•	•
By alternative dispute resolution bodies (ombudsman, online conciliation services, by (national) European Consumer Centres etc. for example)	0	0	0	•	0
Others	0	0	0	0	0

Or other existing best practices that you are aware of including self-regulation of companies) – please give examples

3000 character(s) maximum

There are best practices based on quality seals or standards

13. From a business perspective, what would be the overall impact of addressing geo-blocking and other geographically based restrictions?

	Very positive	Somewhat positive	Neutral	Somewhat negative	Very negative	l don't know
For my business sector	0	•	0	0	0	0
For the economy	0	•	0	0	0	0
For cross border e-commerce	0	•	0	0	0	0
For cross border trade generally	0	•	0	0	0	0

Please explain why/which opportunities?

3000 character(s) maximum

A unified Digital Single Market is relevant for all IT-SME for faster market access and better competition.

14. Can you indicate for each of the possible measures listed what would be the impact (where possible, quantified) in terms of new market opportunities as well as additional costs or burden?

	Very positive	Somewhat positive	Neutral	Somewhat negative	Very negative	l don't know
More transparency: companies should have the obligation to make clear before the (trans)action the detailed, objective and verifiable reasons why they treat customers differently based on their residence or nationality	•	•	•	•	•	•

More transparency: companies should have the obligation to explain upon request the detailed, objective and verifiable reasons why they treat customers differently based on their residence or nationality	•	•	©	•	•	•
Rules including a list of reasons that may never justify treating domestic and foreign users differently	•	•	•	•	•	•
Rules including a closed list of objective and verifiable reasons that may justify treating domestic and foreign users differently	©	©	©	•	©	•
Rules banning ways and means of discriminatory geo-blocking and other restrictions according to your ranking in question 3 above	©	•	©	•	©	•
Banning the discriminatory blocking of access to websites across borders	©	©	©	•	•	0

Rules imposing on traders to obtain consent of users/customers prior to automatic rerouting to another website (including another language version of the same website)	©	©	•	•	©	©
Rules requiring traders to accept cross-border transactions from users/customers from throughout the EU under the same conditions as those applied to users/consumers of the 'home' country of the provider	•	•	•	•	•	•
Rules requiring traders to accept cross-border transactions from users/customers from throughout the EU under conditions reflecting the additional administrative costs or burdens resulting from the cross-border transaction	•	©	•	•	•	•

Rules requiring						
traders to accept cross-border transactions from users/consumers from throughout the EU and to provide delivery cross-border if the users/customers are willing to organise themselves the delivery and cover the additional shipping costs	•	©	•	•	•	©
Rules prohibiting traders to refuse the cross-border download of digital products (such as software or video games)	•	•	•	•	•	0
Rules applicable only to online transactions	0	0	0	•	0	0
Rules applicable only to physical purchases and orders	0	0	0	•	0	0
Other impact	0	0	0	0	0	0

- 15. Such impact would, in your view, be mostly on
 - my business sector
 - economy
 - cross border e-commerce
 - cross border trade generally
- 16. If you think that EU measures in this area would impose significant additional burden on traders, which burden do you think of?
 - Additional administrative compliance costs
 - Additional costs in the area of marketing or web design
 - Additional personnel costs
- Additional delivery costs

Oth	er type of additional costs (please specify)
Oth	er type of burden (please specify)

Background Documents

- BG_Въведение (/eusurvey/files/569c3297-4c50-4bb4-a551-491946ed9c10)
- BG_Декларация за защита на личните данни (/eusurvey/files/7ff56652-aac3-45b1-884e-489769989359)
- CS_Prohlášení o ochraně osobních údajů (/eusurvey/files/96c65fdb-2e85-404c-bb2c-694c056e191d)
- CS Úvod (/eusurvey/files/ed4e3ddc-8074-4948-95dd-b88cbd5b7d09)
- DA_Databeskyttelseserklæring (/eusurvey/files/e950b5f7-a4de-4441-bb1e-df7850f4777f)
- DA_Introduktion (/eusurvey/files/a73782f4-0b31-4ab4-b308-449ba4a73f84)
- DE_Datenschutzerklärung (/eusurvey/files/46640fa4-a21a-4617-b5ee-8497301f3262)
- DE_Einleitung (/eusurvey/files/c9945790-55fd-4358-84b2-cb96ac9f3565)
- EL_Δ ήλωση περί απορρήτου (/eusurvey/files/4b9465d4-41a0-4eaf-bc22-cb228d0b9e7f)
- EL Εισαγωγή (/eusurvey/files/82a216da-201f-40fd-b952-f0b707456ba0)
- EN Introduction Text (/eusurvey/files/e09a8b83-a510-4fe7-8870-593a05dc9eb2)
- EN_Privacy Statement (/eusurvey/files/c23ca6a8-da34-4823-a8c9-23f073daa3d3)
- ES Declaración de privacidad (/eusurvey/files/fb4c5886-8667-4809-9683-c3a4b3416933)
- ES Introducción (/eusurvey/files/9154f712-b814-4635-8671-bf42a5150e9b)
- ET Isikuandmete kaitse põhimõtted (/eusurvey/files/487d5aec-2ccf-407d-bda9-c4ce203013d6)
- ET Sissejuhatus (/eusurvey/files/552bfc09-8d43-4e7c-a742-436f1f6bcd43)
- FI Johdanto (/eusurvey/files/74433faa-52af-45a7-bcb2-52e6f6424b8a)
- FI Tietosuojaseloste (/eusurvey/files/a2851659-c416-4e99-a3b0-16793d314938)
- FR Déclaration relative à la protection de la vie privée

(/eusurvey/files/fbf32d01-94ae-4b5d-bf20-ea6952e16e47)

- FR Introduction (/eusurvey/files/dc9d8dd3-9268-419d-9e73-73149975cbd1)
- HR_Izjava o zaštiti osobnih podataka (/eusurvey/files/d5126c7d-c35c-44db-a2dc-852f26cf8dc9)
- HR Uvod (/eusurvey/files/4b1fdb51-46b2-4db9-a316-24f1cde9e5d5)
- HU Adatvédelmi nyilatkozat (/eusurvey/files/c3d339a2-9c81-42dd-84db-0f06a4458f8f)
- HU Bevezetés (/eusurvey/files/2a5a75c9-2117-42d5-ab7b-56e1d05bd9f9)
- IT Informativa sulla privacy (/eusurvey/files/224ce6e0-e844-4cb0-9890-3302faaba799)
- IT Introduzione (/eusurvey/files/a8bd3ae7-42a6-4433-98e4-0d5fd76de652)
- LT_Pareiškimas apie privatumo apsaugą (/eusurvey/files/c5bab167-cbc7-49fb-9a89-8c3af2defff3)
- LT_lvadas (/eusurvey/files/0206634e-0ebf-4bbc-bdbf-34231b60629a)
- LV levads (/eusurvey/files/b8423779-d6df-4f3c-9fb9-8b7f3f441bae)

- LV_Paziņojums par konfidencialitāti (/eusurvey/files/2ab0a84b-dbd8-49e5-b058-ae659bab171a)
- MT Dikjarazzjoni ta' Privatezza (/eusurvey/files/undefined)
- MT Introduzzjoni (/eusurvey/files/7f2d6b62-1a0f-4d19-8d6c-fd92ba1b16ed)
- NL_Inleiding (/eusurvey/files/114357ac-c621-4d3e-9e37-bbabf922995c)
- NL_Privacyverklaring (/eusurvey/files/7e6e3e72-9bf7-4063-840c-2fb01e10d738)
- PL_Oświadczenie o ochronie prywatności (/eusurvey/files/30559dda-9de1-4c4a-9748-0ecc898785a4)
- PL_Wprowadzenie (/eusurvey/files/35485924-2bcc-406d-a842-7c22f5bdda92)
- PT Declaração de privacidade (/eusurvey/files/2f759e57-d32e-42a8-8f5e-8964437a00c1)
- PT_Introdução (/eusurvey/files/10efba9a-f3bb-4eb0-b696-2c25ea658380)
- RO Declarație de confidențialitate (/eusurvey/files/7e406ee5-b266-4ecd-8356-2121bd1604d7)
- RO_Introducere (/eusurvey/files/69f56263-5125-47fa-8ff9-1134cc82bbee)
- SK_Vyhlásenie o ochrane osobných údajov (/eusurvey/files/a57e6d58-01d3-4161-bc68-ee42c1a2ec19)
- SK Úvod (/eusurvey/files/0124210c-e806-4e52-8298-72221b373aec)
- SL Izjava o varstvu osebnih podatkov (/eusurvey/files/77c4282b-a266-4f86-830b-b1cb7414a2ce)
- SL Uvod (/eusurvey/files/fd193fb5-6ff5-4338-81e5-e8885d43bdae)
- SV Inledning (/eusurvey/files/7e636307-0080-4dda-8b59-d74000b5b243)
- SV Regler för skydd av personuppgifter (/eusurvey/files/1d3f02d9-8a9b-4f0f-87d7-549a05c1f462)

Contact

Mathematical Experimental Mathematical Math