

Evaluation of Geo-blocking Regulation - Open Public Consultation

Fields marked with * are mandatory.

Introduction

Background and aim of the questionnaire

This public consultation is being conducted as part of the evaluation of Regulation (EU) 2018/302 (the ‘Geo-blocking Regulation’ or ‘the regulation’). This regulation was adopted in February 2018 to ensure better access conditions to goods and services for individuals and businesses.

Its main objective is to contribute to the proper functioning of the single market by preventing:

Unjustified geo-blocking (i.e. practices where traders operating in one Member State block or limit access to their online interfaces such as websites and apps, or apply different general conditions of access to their goods and services for customers from other Member States wishing to engage in cross-border transactions), and other forms of online and offline discrimination based directly or indirectly on the customers’ nationality, place of residence or place of establishment.

To that end, the regulation implements the ‘shop like a local’ principle, according to which customers from other Member States should be able to purchase under the same conditions as those applied to domestic customers.

The regulation does not apply to a number of services sectors, including audiovisual, transport, financial services, electronic communications and healthcare services. It does not address issues related to parcel delivery, applicable law or taxation. It also contains a partial derogation for certain non-audiovisual copyright-protected content.

This evaluation is meant to assess:

Whether the regulation has delivered on its objectives how the regulation has been applied the potential for simplifying the regulation, and whether the regulation remains fit for purpose, including for the competitiveness of EU businesses and in view of current developments.

The outcome will be used to fulfil the obligation set out in Article 9 of the Geo-blocking Regulation, which requires the Commission to report to the European Parliament, the Council and the European Economic and Social Committee on the evaluation of this regulation.

The objective of this public consultation is to collect facts, views and evidence from a range of stakeholders with direct or indirect experience of the performance of the Geo-blocking Regulation. It is one of the methods used to gather information to evaluate this regulation.

Your participation in this survey is a valuable contribution to the evaluation of the Geo-Blocking Regulation. It will also help identify possible areas for improvement.

The responses from this consultation will be published by the Commission on the Have Your Say portal. You can choose whether you would prefer to have your details published or to have your contribution published anonymously.

Nothing in this questionnaire should be interpreted as stating an official position of the European Commission.

Submission of your contribution

Please reply to this public consultation by replying to the questionnaire online (this questionnaire is available in all EU official languages). You may include documents and URLs for relevant online content in your replies.

You are not obliged to complete the questionnaire all at once; you have the option of saving your replies as a 'draft' and finalising them later. To do this, click on 'Save as draft' and save the new link that you receive from the EUSurvey tool locally (on your computer). If you do not save this new link, you will not be able to access your questionnaire again to continue working on your replies.

Fields marked with * are mandatory.

If you have any questions, you can contact us via the following functional mailbox: GROW-GBR@ec.europa.eu

If you have any technical problems, please contact the Commission's EC-CENTRAL-HELPDESK@ec.europa.eu.

Duration of the consultation

The consultation on this questionnaire will be open for 12 weeks.

About you

*Language of my contribution

English

*I am giving my contribution as

Business association

*First name

Elena

*Surname

Rivas

*Email (this won't be published)

er@acte.be

*Organisation name

255 character(s) maximum

Association of Commercial Television and Video on Demand Services in Europe (ACT)

*Organisation size

Micro (1 to 9 employees)

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

18574111503-28

*Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

Belgium

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

*Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☒ **Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☐ **Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☒ I agree with the personal data protection provisions (<https://ec.europa.eu/info/law/better-regulation/specific-privacy-statement>)

General awareness and experience

*How familiar are you with the Geo-blocking Regulation?

- ☒ Very familiar
- ☐ Somewhat familiar
- ☐ Not at all familiar

Effectiveness

*Which of the following actions did your organisation / your members take to adjust to the Geo-blocking Regulation?
Please select all that apply.

- ☐ Adapting website access/routing to avoid automatic redirection
- ☐ Adjusting terms and conditions, including on cross-border delivery, for cross-border sales
- ☐ Managing different VAT or consumer protection rules across countries
- ☐ Accepting foreign payment methods

- ☐ Understanding or interpreting legal obligations
- ☐ Other
- ☐ None of the above
- ☒ Don't know

In your view, to what extent has the Geo-blocking Regulation succeeded in preventing the following practices:

	To a large extent	To some extent	To a limited extent	Not at all	Don't know
*Limited or blocked access to a specific version of a trader's website / app store	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Automatic redirecting to a specific version of a trader's website / app store	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*General refusal to supply	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Unavailability of specific items	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Different prices or other conditions of access depending on buyer's location (excluding taxes/VAT and delivery costs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Refusal of, or different conditions for, a payment method	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

To what extent do the following aspects constitute a barrier for selling cross-border in the EU/EEA?

	To a large extent	To some extent	To a limited extent	Not at all	Don't know
*Diverging national tax regulations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Diverging national rules on packaging, labelling and recycling (and recycling labelling)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Differences in national consumer protection rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Restrictions on cross-border sales imposed by manufacturers or suppliers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

*In your view, is the enforcement of the Geo-blocking Regulation effective?

- ☒ Yes
- ☐ No

Efficiency

Please indicate to what extent you agree with the following statements.

	Strongly agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Strongly disagree	Don't know
*Many traders have incurred significant one-off implementation costs to comply with the regulation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

* Many traders incur significant recurring costs to comply with the regulation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Many traders benefit from the regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Many customers benefit from the regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

* How do you assess the overall balance of costs of implementing the Geo-blocking Regulation (e.g. enforcement costs by public institutions, compliance costs borne by traders) and overall benefits for consumers and businesses?

- ☐ Benefits significantly outweigh costs
- ☐ Benefits somewhat outweigh costs
- ☐ Benefits are proportional to costs
- ☐ Costs somewhat outweigh benefits
- ☐ Costs significantly outweigh benefits
- ☒ Don't know

* What benefits due to the Regulation have you observed since 2018?

Please select the 3 most relevant options.

Maximum 3 selection(s)

- ☐ Larger EU customer base
- ☐ Increase in cross-border sales
- ☐ Increased legal clarity
- ☐ Fewer complaints related to geo-blocking and other forms of discrimination based on location/nationality
- ☒ Other

* Please specify

N/A

Relevance

* To what extent does the regulation address important needs related to the functioning of the EU single market?

To a large extent

Briefly explain why you consider the regulation does or does not address the current needs related to the functioning of the EU single market.

To what extent is the regulation still fit for purpose in view of the following issues and market developments?

	Fully fit for purpose	Somewhat fit for purpose	Not quite fit for purpose	Not at all fit for purpose	Don't know
* Rising popularity of online marketplaces and platform economy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Country-specific app stores and app purchases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Emergence of new payment methods	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

*Developments in the parcel delivery market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Application of territorial supply constraints [1] [1] <i>Territorial supply constraints are limitations imposed by certain large manufacturers that make it very difficult or impossible for retailers to buy products in one Member State and resell them in another.</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other issues / developments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Briefly explain your views on the relevance of the regulation.

*Which, if any, socio-economic impacts do you consider to be related to the Geo-blocking Regulation?

Please select up to 3 you consider most important.

Maximum 3 selection(s)

- ☐ Lower prices for consumers
- ☐ Increased variety of available products for consumers
- ☐ Improved situation of online traders (e.g. access to a wider market)
- ☐ Increased competition in the market
- ☒ Other impact

*Please specify

Coherence

*Overall, how coherent is the Geo-blocking Regulation with the wider legislation related to the functioning of the EU single market?

e.g. the Services Directive, the Digital Services Act, the Digital Markets Act, the Payment Services Directive, the Single Euro Payments Area Regulation, VAT rules

- ☐ Fully coherent
- ☐ Mostly coherent
- ☐ Moderately coherent
- ☐ Slightly coherent
- ☐ Not coherent
- ☒ Don't know

If you have any comments on the coherence of the Geo-blocking Regulation with any aspects of the applicable legal framework, please briefly explain in the field below.

EU added value

*To what extent do you see an added value for the Geo-blocking Regulation at the EU level?

- ☐ High EU added value

- ☐ Moderate EU added value
- ☐ No EU added value: national-level rules could achieve the same
- ☐ Negative EU added value: national-level rules would better achieve the objectives
- ☒ Don't know

Concluding remarks

If you have any further comments on the topic of this questionnaire, please write them below.

1,000 character(s) maximum

ACT considers that if the Commission was to decide to reopen the 2018 Geoblocking regulation and to add AV content to the regulation, it would have a direct and extremely negative impact on the financing of and the distribution of audiovisual services and content in Europe. With direct detrimental effects on cultural diversity, investment, job creation and consumer welfare. Please see more on this on the document attached.

If you wish to upload any files supporting your replies, please upload them below.

251201_ACT_-_Response_-_Consultation_of_Geoblocking_regulation_FINAL.pdf

Thank you for your participation!

Contact

GROW-GBR@ec.europa.eu
