

# Implementation of the 2018 Geoblocking Regulation in the Digital Single Market

2023/2019(INI) - 07/11/2023 - Committee report tabled for plenary, single reading

The Committee on the Internal Market and Consumer Protection adopted an own-initiative report by Beata MAZUREK (ECR, PL) on the implementation of the 2018 Geo-blocking Regulation in the Digital Single Market.

This report examines the implementation of Regulation (EU) No 302/2018 on geographical blocking since its entry into force on 3 December 2018. It aims to examine the extent to which the Regulation has led to greater integration of the internal market and, as a result, better deals for consumers and greater opportunities for businesses.

As a reminder, the overall objective of the Geo-blocking Regulation is to ensure that market players treat European customers (including consumers and other end-users) in the same way, regardless of their geographical location, nationality or place of residence.

## *Exploiting the potential of cross-border activities*

The report acknowledged the untapped potential of cross-border economic activities and stressed that these activities could be encouraged by removing the remaining barriers concerning geographical blocking. It stressed the need for **greater consumer awareness**, given that many citizens are still unaware of the rules in force, and called for **better enforcement of measures at national level** to ensure the effectiveness of the regulation.

Members stressed the need, in the light of the **accelerated digital transition**, for a comprehensive re-evaluation of the effectiveness of the geographical blocking regulation, taking into account the changes in consumer and professional behaviour brought about by the COVID-19 pandemic (as a result of the pandemic, 12% of businesses in the EU have launched or stepped up their efforts to sell goods or services online).

Member States are urged to fully apply and enforce the Geo-blocking Regulation. Members called on the Commission to **strengthen enforcement** in order to avoid the fragmentation of the rules and to conduct a comprehensive study on the impact of the Geo-blocking Regulation on business-to-business transactions, with a particular focus on small and medium-sized enterprises (SMEs).

## *Complaints*

The report noted that one third of all complaints received by responding competent authorities were not actually covered by the Regulation, including, among other things, copyright-protected content and insurance services, which shows that consumers perceive geo-blocking to be particularly problematic in these areas. It emphasised the importance of considering the potential benefits of **extending the scope of the regulation** to new areas.

Members suggested intensifying coordination efforts and developing strategies to address the most common grounds for complaint; emphasises the need to increase efforts put into awareness raising campaigns for both traders and consumers.

## *Cross-border parcel delivery*

The report regretted that certain traders prohibit consumers from utilising self-collection or self-organisation delivery methods in their terms and conditions or refuse to ship products to transport companies specialising in cross-border parcel delivery, which conflicts with the principles of the Geo-blocking Regulation.

Members reiterated that traders should not hinder third party transport companies from enabling the cross-border delivery of products to consumers, particularly in instances where the trader does not provide such an option or when traders prohibit self-collection at the store. The Commission should consider including an even **more explicit reference** to such third-party parcel delivery services in the Regulation.

Similarly, further steps should be taken during the review to strengthen the right to "**passive sales**", which is in some cases undermined by selective distribution and exclusive rights agreements.

Members deplored the persistence of unjustified barriers to **online registration and payment methods**. They called on the Commission to work with Member States and stakeholders to remove these barriers and to carry out a full analysis with a view to proposing measures to do so, in accordance with the principles of the Services Directive.

### *Access to audiovisual services and sporting events*

The report regretted that, unlike music, e-books, video games and software products and services, progress in the audiovisual market to increase the availability of content across catalogues has been limited.

The Commission and the Member States are invited to examine carefully all ways of **reducing unjustified and discriminatory barriers** linked to geographical blocking for access to audiovisual services and sporting events. Members called on the Commission to

- present to Parliament the detailed results of its dialogue with stakeholders on the possible extension of the scope of the geographical blocking regulation to audiovisual content;
- propose concrete solutions that will enable consumers, in particular citizens living in border regions or belonging to linguistic minorities, to have legal access between catalogues to various content across borders.

### *Keeping pace with market developments*

Lastly, the report called on the Commission to continue to monitor market developments with regard to customer access to products and services in the Single Market, focusing in particular on the impact of geo-blocking practices on transport services, financial and health services and telecommunications, in particular with a view to ending the blocking of services provided by mobile operators in border regions within the Union.