

Online contracts: a mixed bag

EUROCHAMBRES has mixed views on today's European Commission proposal for contract rules for online purchases of digital content and tangible goods, considering the digital content contracts an important factor in avoiding further fragmentation of the Digital Single Market, while questioning the timing and value of new rules relating to tangible goods.

Digital content

Confirmation that the proposed new digital content contract rules will only apply to Business-to-Consumer (B2C) contracts is welcome. More generally, the initiative is a potentially important element in avoiding the proliferation of national rules that jeopardise the Digital Single Market. But as with all such proposals, a correct balance between the interests of the trader and the consumer is a critical factor in delivering the aims and EUROCHAMBRES will now analyse the provisions in detail.

Tangible goods

Conversely, EUROCHAMBRES believes that the accompanying new legislative proposal for online sales of tangible goods is unhelpful and premature. The association regrets in particular that its call for a thorough evaluation of the effects on e-Commerce of the application of the Consumer Rights Directive as a first step has not been listened to by the Commission.

"New rules for the sale of digital content are a key component in building a genuine Digital Single Market. But we believe the Commission is putting the cart before the horse by tabling new rules for the online sale of tangible goods before the recently introduced regime has been properly evaluated. The digital economy is evolving at great speed, but evidence-based policy making must not be compromised to keep up," stated Arnaldo Abruzzini, Chief Executive Officer of EUROCHAMBRES.

EUROCHAMBRES will now examine closely a number of specific issues set out in the proposal that potentially present challenges for businesses. These include the application of the new set of rules to the supply of digital content against in-kind payment other than the price, the reversal of the burden of proof on the trader and the decision to differentiate applicable rules for online and offline transactions of tangible goods.

EUROCHAMBRES' priorities for the "New contract rules for online purchases of digital content and tangible goods" are available [here](#).

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