



RECOMMENDATIONS TO THE MALTESE EU PRESIDENCY

The Maltese EU Presidency will lead negotiations on important legislative proposals which will impact Europe's increasingly digitised economy for years to come.

The recommendations below outlines how to achieve a European Single Market that embraces digital transformation, innovation, competition, investment and job creation.

Telecommunications: Maintain a Single Market and strong competition

European telecoms rules should encourage competition, innovation and the deepening of the Single Market. European Commission proposals to regulate online services would fragment the Single Market, raise prices for consumers and make market entry harder. The Maltese Presidency should remove regulation where possible and target regulation on bottlenecks only where necessary to encourage next generation services and networks.

ePrivacy: Protect users and innovation

The EU's existing 'ePrivacy' rules should be repealed or focused on a minimum number of obligations to prevent confusion and conflict with the newly approved General Data Protection Regulation. A possible revision should not require backdoors to the encryption of online services, including online gambling services. Backdoors weaken security and confidentiality for all.

Copyright: Reform for the future and maintain liability protections for online intermediaries

The EU's e-Commerce Directive remains one of the most important laws for developing Europe's Internet economy. All platforms hosting third party content benefit from its liability protections. The proposed EU copyright legislation, however, dangerously undermines these protections and mandates filtering technologies. This new proposal also creates an additional layer of rights for publishers related to the online usage of news content. It is therefore detrimental to the EU Single Market, to users' fundamental rights, to smaller companies and more generally, to innovation and investments in the European digital economy. Malta should support a copyright reform fit for the digital age.

Preserve the Single Market in the review of EU audiovisual rules

Under the current EU audiovisual rules, the broadcasting industry and video-on-demand service providers have been flourishing. Unfortunately, the new EU proposal to reform those rules includes measures such as levies, European content quotas and prominence obligations for video-on-demand providers, as well as audiovisual rules for video-sharing platforms. These provisions



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will fragment the EU Single Market and hold back investments and European start-ups. Malta should support an audiovisual reform that respects the country of origin principle of the current European audiovisual rules. Further, for video-sharing platforms specifically, it needs to adhere to the key principles of the e-Commerce Directive.

E-commerce restrictions hurt Europe's digital economy

So-called platform bans hamper the development of pan-European e-commerce. Manufacturers often prohibit their authorized resellers from selling tangible goods over platforms such as Amazon or eBay. These bans are often unjustified and hurt consumers. This has led some national competition authorities to take action against them. In light of DG COMP's sector inquiry into e-commerce, more political attention to these restrictions is needed.

Ban forced data localisation, which fragments the EU Single Market

Companies, such as Maltese startups, are increasingly hindered from doing business in other EU Member States due to new requirements to store and process specific types of data nationally. Forced data localisation fragments the EU Single Market, increases prices, and lowers Europe's competitiveness. We encourage the EU to present an ambitious proposal during the Maltese Presidency, which prohibits all types of unjustified, forced data localisation in the EU.

Trade: The EU Single Market is only be the beginning...

The Internet enables companies, big and small, to export to the rest of Europe – and the rest of the world. Maltese and European companies however, face “digital” trade barriers when trying to do businesses in third countries. The EU should proactively use its ongoing trade negotiations to remove barriers related to data flows, data localisation, intermediary liability and prevent discrimination in access to communications networks.

The Maltese Presidency is an opportunity to showcase Malta's many digital success stories. Importantly, Malta can lead negotiations in support of a real digital and competitive European Single Market. We look forward to contributing to a successful Maltese Presidency.

ABOUT CCIA

The Computer & Communications Industry Association is an international, nonprofit association representing a broad cross section of computer, communications and Internet industry firms. CCIA remains dedicated, as it has for over 40 years, to promoting innovation and preserving full, fair and open competition throughout our industry. Our members employ more than 750,000 workers and generate annual revenues in excess of \$540 billion. For more, please go to: www.ccianet.org

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