

Public consultation on a proposal for a Regulation of the European Parliament and of the Council on addressing geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC.

The Department of Jobs, Enterprise and Innovation is currently seeking views from interested parties on a proposal from the EU Commission for a new regulation in regard to geo-blocking.

Background

The Digital Single Market Strategy 1 adopted in May 2015 and the Single Market Strategy 2 adopted in October 2015 announced legislative action to address unjustified geo-blocking and comprehensively fight discrimination based on nationality or place of residence or establishment.

Despite the implementation of the non-discrimination principle in Article 20(2) of Directive 2006/123/EC3 ("Services Directive"), customers still face refusals to sell and different conditions, when buying goods or services across borders. This is mainly due to uncertainty over what constitutes objective criteria that justify differences in the way traders treat customers. In order to remedy this problem, traders and customers should have more clarity about the situations in which differences in treatment based on residence are not justifiable.

The Commission issued a proposal for a regulation on 25 May 2016. It is this proposed Regulation that forms the subject matter of this consultation process. Details of the actual proposal and related documents can be found at the following link: <https://www.djei.ie/en/Consultations/>

Aim of the proposal

This proposal prohibits the blocking of access to websites and other online interfaces by traders and the rerouting of customers from one country version to another. It furthermore prohibits discrimination against customers in four specific cases of the sale of goods and services and does not allow the circumventing of such a ban on discrimination in passive sales agreements.

Both consumers and businesses as end users of goods or services are affected by such practices and should therefore benefit from the rules set out in this proposal. Transactions where goods or services are purchased by a business for resale should, however, be excluded in order to allow traders to set up their distribution systems in compliance with European competition law.

Consultation process on the proposed Regulations

The Department of Jobs, Enterprise and Innovation will be leading the negotiations at EU level on this proposal. Work at EU Working Group level is expected to commence shortly with 4 meetings being scheduled before the end of July 2016. Thus, observations are invited for submission no later than close of business on Monday, 18 July 2016.

Submissions should be marked “Consultation on Proposed Go-Blocking Regulation” and can either be e-mailed to conspol@djei.ie or sent in hard copy to the following address:

Competition and Consumer Policy Section,
Department of Jobs, Enterprise and Innovation,
Earlsfort Centre,
Earlsfort Terrace, Lower Hatch Street,
Dublin 2
D02PW01

Freedom of Information

Attention is drawn to the fact that information provided to the Department may be disclosed in response to a request under the Freedom of Information Act 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Department will consult with interested parties making submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. Any personal information, which you volunteer to this Department, will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 and 2003.

Publication of Submissions

The Department may also decide to place any submissions received by it on the Department’s website in due course. A decision on any such placement may occur without prior consultation with respondents to this consultation process. Thus, it is in the interests of respondents to highlight, in their submissions, any commercially sensitive or confidential information which they would wish not to be disclosed at the time of submission.

Queries

Further information may be obtained by contacting Competition and Consumer Protection Section of the Department at the following contact points:

Anne Barrett at 01- 6312620 (or at Anne.Barrett@djei.ie)

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