



Brussels 28 April

RE: E-Commerce Directive as a key tool in the fight against illegal content online

Dear Vice-President Ansip,
Dear Commissioner Oettinger,

The under-signatories to this letter are representative of key aspects of the Internet value-chain. We write to you in context of the European Commission's ongoing reflections around tackling various types of illegal content online.

The E-Commerce Directive (2000/31/EC) enshrines the fundamental principles of intermediaries' liability and defines the legal basis by which our members and public authorities can jointly tackle illegal content online while safeguarding fundamental rights.

Through its horizontal applicability, the E-Commerce Directive creates a general framework through which various types of illegal content can be tackled most appropriately. Indeed, by adopting technologically-neutral definitions and avoiding overly prescriptive obligations, the E-Commerce Directive ensures that actions taken to build trust and safety in the online sphere are context-effective and proportionate.

The horizontal approach to tackling illegal content online allows business in the EU to concentrate on developing innovative legal business models that serve their customers, while at the same time ensuring that they have effective system in place to deal with specific types of illegal content. Indeed, a predictable compliance environment is the catalyst for European digital innovation, and the introduction of specific liability provisions for certain types of content within the E-Commerce Directive will have a chilling effect on the innovative potential of digital actors, especially small and medium-sized ones.

On that basis, re-balancing the E-Commerce Directive framework to satisfy a "vertical" interest would run contrary to the ambitions of the Digital Single Market strategy. The dual objectives of enhancing Europe's digital competitiveness and better tackling illegal content online will be best served by the existing horizontal approach that ensures effective protection of rights, enforcement for public authorities and legal certainty for intermediaries.

As key players in the Internet value chain, our associations continue to contribute to EU-level discussions around how best to build trust and safety in the Digital Single Market. We remain a willing interlocutor with the European Commission and will actively seek to explore opportunities to improve law enforcement in the online sphere.

Sincerely,



Gijs Phoelich
Chairman, ECTA



Lise Fuhr
Director General, ETNO



Oliver Süme
President, EuroISPA



Afke Schaart
Vice-President Europe, GSMA



ECTA (the European Competitive Telecommunications Association - www.ectaportal.com) is the pan-European pro-competitive trade association that represents more than 100 of the leading challenger telecoms operators across Europe. For over a decade, ECTA has been supporting the regulatory and commercial interests of telecoms operators, ISPs & equipment manufacturers in pursuit of a fair regulatory environment that allows all electronic communications providers to compete on level terms. Our members have been the leading innovators in Internet services, broadband, business communications, entertainment and mobile.



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EuroISPA is the world's largest association of Internet Services Providers (ISPs) representing the interests of more than 1800 ISPs across the EU and the EFTA countries. EuroISPA is a major voice of the Internet industry on information society subjects such as cybercrime, data protection, e-commerce regulation, EU telecommunications law and safe use of the Internet (www.euroispa.org).



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