

# Deepening the Digital Single Market: not much to tweet about

Blog post by Research Associate India Lucas, 16 June 2017

Yesterday marked the entry into force of the EU’s ban on data roaming charges. Former England footballer and sports broadcaster Gary Lineker tweeted “Well played EU”, which was just the kind of high profile validation that EU policymakers are looking for. But it’s worth remembering that when the DSM was created in 2015, the strategy was built around three broad objectives: deepening of the single market, cross-border liberalisation and consumer protection. Two years on, the first two have presented less to tweet about.

Encouraging cross-border trade has proven difficult to secure for the EU individual sectors built around national business models that have proved resistant to change. This is most evident in the backlash against Commissioner Ansip’s initiatives aimed at breaking down national licencing barriers in online content markets. Member states have also put up resistance to the abolition of geo-blocking. While there will be some steps forward here - namely on the cross-border free flow of non-personal data - change will likely prove incremental.

## DSM consumer protection legislation

Data roaming scrap	Complete
Portability of online content	Complete
General Data Protection Regulation (GDPR)	Complete
Guidelines for online platforms on how to remove illegal content and liability rules	By the end of 2017
Legislative action to prevent geo-blocking	By the end of 2017
Proposal for e-Privacy Regulation	By the end of 2019
Proposal for directive on digital content contracts	By the end of 2019
Proposal for directive on certain aspects concerning contracts for the online and other distance sales of goods	By the end of 2019

■ Complete   
 ■ By the end of 2017   
 ■ By the end of 2019

Likewise, attempts to deepen the single market have stalled and, in some cases, gone into reverse. In the audio-visual sector, legislators are currently restricting the [country of origin principle](#) by allowing each and every member state to impose levies on video-on-demand services, regardless of where they are headquartered. Similarly, attempts to update the telecoms framework and cross-border parcel delivery services have seen clauses scrapped that would have given smaller providers access to the larger networks of incumbents.

In contrast, the direct consumer benefits of the data roaming package have given it powerful momentum. Proposals on portability of audio-visual content, allowing consumers to watch their online subscriptions while in another country, have also passed. The General Data Protection Regulation which will come into force in 2018, has a strong focus on citizens' rights to privacy and control of their personal data online.

As the 2019 European elections inch closer and the EU institutions search out the path of least resistance to measures that offer 'relevance' to ordinary Europeans, there is no reason to expect this to slacken off in the 24 months leading up to the election. Indeed, in the European Parliament yesterday, MEPs found consensus over a [joint report](#) by the IMCO and ITRE committees that called for better self-regulation mechanisms, and more transparency for consumers on the processing, storing and sharing of their personal data by platforms, including explanations as to how it is used for automated advertising systems. Last week's Council position on a directive on digital content contracts called for platforms to give consumers the right to have personal data returned once contracts are terminated with a platform or tech service - even in some free service contracts.

As they strategise the next steps in the DSM, we can expect the EU institutions and new Commissioner Mariya Gabriel to double down on those policy areas where there is a clear win for consumers. The implication is that the legacy of the DSM is unlikely to be cross-border liberalisation, the creation of European digital champions or a major competitive boost to the EU economy. Its legacy is more likely to be a digital single market not much less fragmented or shallow than it is now - but whose users at least have a new set of rights online.