e-Commerce Directive

The e-Commerce Directive is the foundational legal framework for online services in the EU. It aims to remove obstacles to cross-border online services.

The Directive establishes harmonised rules on issues such as:

- transparency and information requirements for online service providers;
- commercial communications;
- electronic contracts and limitations of liability of intermediary service providers.

It also enhances administrative cooperation between the Member States, and the role of self-regulation.

Basic rules for e-Commerce

The Directive sets out basic requirements on mandatory consumer information, steps to follow in online contracting and rules on commercial communications. This covers online advertisements, unsolicited commercial communications and more.

The internal market clause

The internal market clause is a key principle of the e-Commerce Directive. It ensures that providers of online services are subject to the law of the Member State in which they are established and not the law of the Member States where the service is accessible.
Liability of intermediaries

The Directive exempts intermediaries from liability for the content they manage if they fulfil certain conditions. Service providers hosting illegal need to remove it or disable access to it as fast as possible once they are aware of the illegal nature it. The liability exemption only covers services who play a neutral, merely technical and passive role towards the hosted content.

Member States cannot force any general content monitoring obligation on intermediaries.

Services covered by the Directive

The EU is focused on defining an appropriate e-commerce framework and preventing unfair discrimination against consumers and businesses who access content or buy goods and services online within the EU.

Examples of services covered by the Directive include:

- online information services
- online selling of products and services
- online advertising
- professional services
- entertainment services and basic intermediary services, including services provided free of charge to the recipient, such as those funded by advertising

The Digital Services Act

The Digital Services Act (DSA), proposed by the Commission, builds on the e-Commerce Directive to address new challenges online.

While the e-Commerce Directive remains the cornerstone of digital regulation, much has changed since its adoption 20 years ago. The DSA will address these changes and the challenges that have come with them, particularly in relation to online intermediaries.

Public consultations

The Commission works with consumers, public authorities, non-governmental organisations (NGOs), small and medium-sized enterprises (SMEs) and other interested stakeholders to shape the digital world.

The Commission launched two public consultations 5 as part of the review of the e-Commerce Directive:

- Public consultation on the regulatory environment for platforms, online intermediaries, data and cloud computing and the collaborative economy
- Public consultation on Geo-Blocking and Other geographically based restrictions when shopping and accessing information in the EU

The Commission assessed whether EU rules on e-commerce framework are still up to date, and whether they have helped European citizens and businesses when buying goods and services online.
Expert group

The objectives of the expert group are:

- to enhance and facilitate administrative co-operation between Member States, and Member States and the Commission
- to discuss problems in the application of the Directive
- to discuss emerging issues in the area of e-commerce.

To see its members please refer to the Register of Commission expert groups.

e-Commerce Directive
The Commission has proposed this week a Path to the Digital Decade, a concrete plan to achieve the digital transformation of our society and economy by 2030. The proposed Path to the Digital Decade will translate the EU's digital ambitions for 2030 into a concrete delivery mechanism. It will set up a governance framework based on an annual cooperation mechanism with Member States to reach the 2030 Digital Decade targets at Union level in the areas of digital skills, digital infrastructures, digitalisation of businesses and public services. It also aims to identify and implement large-scale

Consumers and businesses show an increasing interest in shopping and selling across the EU. Online sales of products are growing by 22% per year. However, some traders still make it difficult for customers from another EU Member State to buy online or to benefit from equally advantageous prices in comparison with local clients. Vice-President Ansip and Commissioners Bieńkowska, Jourová and Gabriel met in Strasbourg with members of the European Parliament to take stock of the progress made in breaking down the barriers to e-commerce in the EU and discuss next opportunities and challenges.

Browse eCommerce
The European Commission breaks down online barriers so that people can enjoy full access to all goods and services offered online by businesses in the EU.

Source URL: https://digital-strategy.ec.europa.eu/policies/e-commerce-directive