

Norway's preliminary views on
the Digital Single Market

February 2015

We have noted with interest that the Commission has identified the Digital Single Market (DSM) as one of its top priorities. The Norwegian government is a strong believer in using ICT as a driver for innovation, growth and modernisation of the public sector. We therefore welcome the Commission's efforts to develop a functioning Digital Single Market in Europe.

Norway has a clear ambition of participating actively in relevant EU policy work and EU initiatives within the framework of the EEA-agreement. We believe that cross-border collaboration in the ICT-area is of particular importance, and would like to contribute to the ongoing process of establishing and following up the upcoming EU *Digital Single Market Strategy*.

Our main points

- **Digital Innovation:** We welcome the Commission's strong focus on the digital economy and would like to emphasise the need for the DSM-strategy to facilitate digital innovation across the EU/EEA-area. Removing legal and practical barriers to cross-border digital service provision should be a central measure to achieve that goal. We would also recommend that the Commission study the impact of Internet platform providers on digital innovation in Europe.
- **CEF Digital:** The digital single market will depend on a robust digital infrastructure - that is, broadband with sufficient capacity and stable and ubiquitous generic services. Connecting Europe Facility Digital seems to be an adequate instrument for establishing such cross border electronic infrastructure in Europe. We have joined this initiative. We expect that realizing the goals of CEF Digital will be considered an integral part of the coming DSM-strategy.
- **Consumer concerns:** Consumers are still facing important challenges that will need to be addressed, such as universal access to electronic communication services and challenges related to terms and conditions of digital services.
- **Content production:** In order to secure future financing of European content, it is necessary to explore new business models for distribution and production of video-based content.
- **Media regulations:** The country of origin principle in the AVMS-directive raises several challenges that will need to be addressed.
- **Copyright:** Norway would like to recommend the further development of Extended Collective Licensing systems (currently used in the Nordic countries) on the European level.
- **Review of the eCompackage:** Electronic communications is an essential building block of the Digital Single Market. When reviewing the regulatory framework it is important to secure a forward looking regulation that is sufficiently flexible, with regard to the technological development and variations in the take-up of new services. Furthermore, Norway is of the opinion that it is time to **address communication network robustness** more comprehensively on a European level, and we are more than happy to contribute in such a process.
- **BEREC:** Having in mind BEREC's role as a provider for premises and as a driver for harmonisation, as well as its growing importance for the development of the eCom market, the EEA EFTA States believe that the NRAs from the EEA EFTA States will constitute a relevant contribution to BEREC inter alia with their experience in regulating emerging markets with a significant take up of electronic communications services. Norway and the other EEA EFTA States are therefore of the opinion that BEREC should be open to the participation, based on the standard provisions on participation contained in a number of EU acts, of states which have concluded agreements with the European Union by virtue of which they have adopted and applied Union legislation.

Our further views on the Digital Single Market

Digital Innovation

We welcome the Commission's strong focus on the digital economy and would like to emphasise the need for the DSM-strategy to facilitate digital innovation by contributing to removing barriers to service provision across the EU/EEA-area. In order to achieve this, we must work systematically to map and remove hindrances for providing digital services while the regulatory framework must be technology neutral and simultaneously balance consumer and business interests. Furthermore, in order to facilitate digital innovation and cross-border data flows, an open and accessible Internet is a necessary prerequisite.

Digital Single Market – Addressing key consumer concerns

With consumer expenditure representing 56% of EU GDP, a well-designed and well-implemented consumer policy is an important part of the EU's policies. We believe that consumers are still facing important challenges that the Commission's Digital Single Market (DSM) package needs to address.

Firstly, it needs to address challenges of *availability and access*. The lack of access to the internet is still a significant consumer concern across Europe. We should strive for access to electronic communication services (TV, mobile and internet) of good quality to all consumers in Europe. To do this, it is amongst other things important to stimulate *competition* between internet providers, secure *net neutrality* and make sure that consumers have the opportunity to choose between providers.

The benefits from online services should be available for all groups – also elderly and disabled people. It is still a consumer concern in Europe that web pages and other services are not accessible for all. Thus, it is important to maintain and develop standards for *universal design* in information technology. We support the work on the directive on accessibility.

Secondly, the package should address “lock-in” mechanisms that limit the consumers' choice of products and services. These mechanisms prevent the consumer from changing service when the consumer has found a better alternative, and they can be based on both contract terms and technology. For example, lack of interoperability in new technologies can make it difficult or costly for the consumer to switch provider. It is important to work against these kinds of mechanisms.

Thirdly, the package should address challenges related to *terms and conditions online*. Consumers have to deal with an increasing amount of complex and unavailable terms and conditions. Commonly, the consumer must accept all terms and conditions to be able to use the service. It is important that service providers make their key conditions understandable and easily available to consumers. We also believe it is important that consumer organizations and enforcers play a part, by evaluating important elements of contracts, and by having a dialogue with business and industry.