European Parliament: Resolution on online platforms and the Digital Single Market

IRIS 2017-8:1/7

Ronan Ó Fathaigh
Institute for Information Law (IViR), University of Amsterdam

On 15 June 2017, the European Parliament adopted a Resolution on online platforms and the Digital Single Market. This follows the European Commission's Communication on a Digital Single Market Strategy for Europe in 2015, which included creating a fit for purpose regulatory environment for platforms and intermediaries (see IRIS 2015-6/3).

The Resolution begins by welcoming the Commission's Communication on Online Platforms and the Digital Single Market (see IRIS 2015-10/4 and IRIS 2017-7/7), and by acknowledging that online platforms benefit today's digital economy and society by increasing the choices available to consumers and by creating and shaping new markets. However, at the same time, online platforms present new policy and regulatory challenges. The Resolution goes on to consider a number of issues, including:

- how to define platforms;

- how to facilitate the sustainable growth of European online platforms;

- how to clarify the liability of intermediaries;

- how to create a level playing field;

- how to increase online trust;

- how to foster innovation; and

- how to respect business-to-business relations and EU competition law.

In this regard, a number of notable provisions should be mentioned.

First, on the definition of platforms, the Resolution acknowledges that it would be very difficult to arrive at a single, legally relevant and future-proof definition of online platforms at EU level, and that online platforms should be distinguished and defined in relevant sector-specific legislation at EU level according to their characteristics, classifications and principles and following a problem-driven approach. Secondly, the Resolution notes that despite the fact that more creative content is being consumed today than ever before on services such as user-

© European Audiovisual Observatory (Council of Europe) 2026

uploaded content platforms and content aggregation services, the creative sectors have not seen a comparable increase in revenue from this increase in consumption. In this regard, the Resolution stresses that one of the main reasons for this is considered to be a transfer of value that has emerged as a result of the lack of clarity regarding the status of these online services under copyright and e-commerce law and it also stresses that an unfair market has been created which threatens the development of the digital single market and its main players, namely the cultural and creative industries. It is noteworthy that the Resolution urges online platforms to strengthen measures to tackle illegal and harmful content online and welcomes the ongoing work on the AVMS Directive and the Commission's intention to propose measures for video-sharing platforms in order to protect minors, and for taking down content related to hate speech (see IRIS 2017-7/6). Thirdly, the Resolution also considers the role of online platforms and fake news, and calls on the Commission to analyse in depth the current situation and legal framework with regard to fake news, and to verify the possibility of legislative intervention to limit the dissemination and spreading of fake content.

Finally, and in relation to audiovisual content in particular, the Resolution emphasises the need to restore a balance in the sharing of value for intellectual property, in particular on platforms distributing protected audiovisual content. Moreover, the Resolution calls for closer cooperation between platforms and rightsholders in order to ensure proper clearance of rights and to fight the infringement of intellectual property rights online.

European Parliament resolution of 15 June 2017 on online platforms and the digital single market (2016/2276(INI)), 15 June 2017

http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2017-0272+0+DOC+PDF+V0//EN

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026