

**Italian court disregards European Internet principles**

EDiMA members are deeply concerned by last week's court decision in Italy that potentially calls into question a founding principle of the E-Commerce directive, which is key for a sustainable Information Society. The decision by an Italian court held three Google executives criminally liable for privacy violations in the context of content posted by third parties. As the details of the ruling have not yet been made public, EDiMA is not commenting on the merits of that judgment. However, the policy issues it raises extend beyond Italy.

EDiMA takes the occasion to reiterate its position that policies creating liability for Internet intermediaries on the basis of content sent or created by users directly threatens this driving force of online commerce. This court case raises key issues around essential safeguards for Internet intermediaries established in European law under the E-Commerce Directive. Whilst the Directive makes clear that service providers must take timely and appropriate action once informed of illegal content hosted on their site, it also definitively states that legal liability lies solely with the party posting the content. In order for the E-Commerce Directive to continue to drive the development of Internet services and the resulting positive impacts on economic growth and Europe's cultural diversity, Internet intermediaries operating in Europe need consistency, clarity and transparency on the application of the Directive.

"The E-Commerce Directive has been vital in driving the development of a culturally diverse and economically significant Internet sector in Europe," said EDiMA President James Waterworth. "But if the Directive is mis-applied, and online organisations are unable to rely on the liability protections it affords, there is a serious risk that the Digital Single Market will simply not become a reality and that Europe will fail to reap the full economic, social, political, and cultural benefits that the Internet has to offer."

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**EDITORS NOTE**

EDiMA, the European Digital Media Association, is an alliance of new media companies whose members include Amazon-EU, Apple, eBay, Google, Microsoft, Music Choice, Nokia, Yahoo! Europe, Orange and others. EDiMA's members provide new media and Internet platforms offering European consumers a wide range of online services, including e-content, media, E-commerce, communications and information/search services. EDiMA represents the interests of the Internet and new media sector in Europe in policymaking.

For more information, please contact:

Jeremy Rollison, on +32 (0)2 626 1990

EDiMA Secretariat (<http://www.europeandigitalmedia.org>)

