

Electronic commerce in the internal market: legal aspects, protection of consumer

1998/0325(COD) - 17/08/1999 - Modified legislative proposal

The Commission's amended proposal accepts most of the amendments proposed by the European Parliament and notably those which relate to : - stressing that the development of e-commerce can enhance the competitiveness of European industry; - noting that the legal framework will foster the development of Information Society services to the benefit of European citizens and operators; - stressing that the balanced approach of the Directive and the fact that it establishes principles upon which industry agreements can be based; - emphasising that e-commerce is an opportunity to provide public services in the cultural, educational and linguistic fields. As for amendments concerning the objective and principles underlying the proposal, the amendments aim to evoke that the free movement Information Society services can be a reflection of the freedom of expression enshrined in the European Convention for the Protection of Human Rights and Fundamental freedoms. The amendments also underline the necessity to guarantee effective access to redress mechanisms including the availability of appropriate court actions and the need to examine the possibility to provide access to judicial procedures by appropriate electronic means. The Commission has again brought about the amendments concerning: - adding a reference to the protection of minors and human dignity to the list of general interest objectives; - ensuring the confidentiality of electronic messages Member States should abstain from prohibiting or restricting the use of cryptography methods or similar tools; - the need to ensure a clear and legal framework consistent with the rules applicable at international level; - the need to co-operate at global level to make the legal frameworks of the EU and third countries compatible; - the need to reinforce co-operation in particular with EU applicant countries and with the Union's transatlantic partners. Concerning the problem of unsolicited commercial communications by e-mail. The Commission did not accept the amendment aimed at deleting the obligation to have unsolicited commercial communications identified as soon as they are received by the recipient. On the other hand, it upholds the amendment which establishes the obligation for Member States to ensure that opt-out registers are made available to consumers and are monitored regularly by service providers.