[DE] Bill on E-Commerce

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On 14 February 2001, the Federal Government adopted the Bill on a legal framework for electronic commerce. As a result, the transposition of Directive 2000/31/EC ("E-Commerce Directive") of 8 June 2000 (see IRIS 2000-5: 3) will be brought before Parliament.

The Bill mainly concerns amendments to the Teledienstegesetz (Teleservices Act) and obliges the Bundesländer to adapt their Mediendienstestaatsvertrag (Inter-State Agreement on Media Services), since the "information society services" covered by the Directive, as teleservices, fall within the scope of both these instruments. The Bill makes provision for unrestricted authorisation for providers of these teleservices, general transparency obligations (with breaches punishable by fines) and specific duties regarding information in relation to commercial communications. It also regulates service providers' responsibility for third-party information. The "country of origin" principle is at the centre of the proposed legislation. This means that national provisions governing Internet services in the country where they are based should be recognised by the other EU states. Service providers established in Germany should in future, therefore, only be subject to German law, even if they offer or provide their electronic services in other EU countries. However, a particular exception is made for consumer agreements. The Bill should also make it possible for arbitration agreements to be concluded electronically in cases where consumers are involved. Amendments are also made to data protection law. For example, the Bill specifies which personal data may be collected and processed without the express permission of the user and lays down rules that service providers must follow when collecting and processing such information.

Entwurf des Gesetzes über rechtliche Rahmenbedingungen für den elektronischen Geschäftsverkehr (EGG) vom 14. Februar 2001

http://www.bmwi.de/Homepage/download/infogesellschaft/EGG-Entwurf.pdf

Bill on a legal framework for electronic commerce), 14 February 2001

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