[AT] E-Commerce Act In Force

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Article 22 of Directive 2000/31/EC of the European Parliament and of the Council on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ("E-Commerce Directive") required Member States to transpose the Directive into national law by 17 January 2002. Austria has met this requirement by adopting its own E-Commerce-Gesetz (E-Commerce ActECG), which entered into force on 1 January.

In some respects, the ECG's provisions extend beyond those of the Directive, which is why, under the 1999 Notifikationsgesetz (Notification Act), the legislative plans had to be and were communicated to the European Commission and the other Member States; some of the comments made by the Commission within the stipulated period were taken into account in the final version of the Act.

The most obvious area in which the Act exceeds the Directive's requirements concerns the liability of service providers. Firstly, service providers who provide users with a search engine or other electronic device to help find third-party information are, under certain conditions, exempted from responsibility for information located using such a device, although they may be liable under other provisions (para. 14 ECG); the aforementioned conditions are modelled on those applicable to access providers. Secondly, service providers who offer access to third-party information using a "link" are, under certain conditions, exempted from responsibility for that information, although they may be liable under other provisions (para. 17 ECG); the aforementioned conditions are modelled on those applicable to host providers. However, the ECG only limits liability if the illegality lies in the content accessed via the search engine or "link"; the service provider remains liable for any unlawful actions unconnected to such content (eg unauthorised duplication of copyrighted material).

Bundesgesetz, mit dem bestimmte rechtliche Aspekte des elektronischen Geschäfts- und Rechtsverkehrs geregelt (E-Commerce-Gesetz - ECG) und das Signaturgesetz sowie die Zivilprozessordnung geändert werden (Bundesgesetzblatt I Nr. 152 vom 21. Dezember 2001, Seiten 1977 bis 1984)

Federal Act regulating certain legal aspects of electronic commerce (E-Commerce Act ECG) and amending the Electronic Signature Act and Bundesgesetzblatt

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