[LI] E-Commerce Act in Force

IRIS 2003-8:1/38

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On 12 June 2003, the Gesetz über den elektronischen Geschäftsverkehr (E-Commerce Gesetz - ECG, the E-Commerce Act) entered into force. The Act transposes Directive 2000/31/EC on electronic commerce (see IRIS 2000-5: 3) into national law. The Directive became binding on Liechtenstein through its incorporation into the Agreement on the European Economic Area (EEA).

The Liechtenstein E-Commerce Act is modelled on the corresponding Austrian implementation measures under the E-Commerce Directive (see IRIS 2002-3: 12). With regard to a few aspects, the Act goes beyond what is laid down in the Directive. Liechtenstein had therefore notified the draft Act under the EEA information procedure on draft technical regulations according to Directive 98/34/EC, as amended by Directive 98/48/EC.

The E-Commerce Act regulates the taking up and provision of information society services, information duties of service providers, the conclusion of electronic contracts, the liability of service providers, the home state control principle and cooperation with other EEA States. Article 14 ECG provides for a specific exemption from liability for operators of search engines or other search tools along the lines of the exemption laid down in the Directive for mere conduit or access providers. Furthermore, Article 17 ECG contains a specific exemption from liability for links provided to third party information modelled on the exemption from liability for providers of hosting services.

Gesetz vom 16 April 2003 über den elektronischen Geschäftsverkehr (E-Commerce Gesetz - ECG), LGBl. 2003 Nr. 133

http://www.gesetze.li/

E-Commerce Act of 16 April 2003, Legal Gazette 2003 No. 133

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