

European Commission: Positive Impact of E-commerce Directive

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A report published recently by the European Commission on the application of the "E-Commerce Directive" (Directive 2001/31/EC see IRIS 2000-5: 3) points to the success of the Directive in providing a sound legal framework for information society services in the Internal Market, creating the conditions for e-commerce to take off in the EU. Although currently e-commerce represents only a small part of retail sales in Europe, it is expected to grow significantly in the coming years.

The report outlines the current state of transposition of the Directive and analyses how its various provisions are being applied in the Member States. A list of all national measures transposing the Directive is included in an annex to the report (only three Member States still have to implement the Directive: France, the Netherlands and Portugal).

The report concludes that a revision of the Directive would, at this stage, be premature but that the frequent new developments in e-commerce require active monitoring by the Commission of the application of the Directive. In this regard, the notification system of Directive 98/34/EC, which obliges Member States to notify draft regulations governing on-line services (see IRIS 1998-8: 3 and IRIS 1998-1: 3), will play an important role in ensuring that no national rules incompatible with the Directive are adopted (recently the Council has also approved the accession of the EU to the Council of Europe's Convention on information and legal co-operation concerning "Information Society Services", which is modelled on the current EU notification system). The Commission will furthermore concentrate on: improving administrative co-operation between Member States; collecting information on how the Directive works in practice; raising awareness among business and citizens; monitoring policy developments in order to identify possible needs for additional Community action; and strengthening international co-operation in order to develop international rules on matters such as the liability of Internet intermediaries and the procedures for removing illegal content.

"First Report on the application of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)", Report from the

Commission to the European Parliament, the Council and the European Economic and Social Committee, COM (2003) 702 final, 21 November 2003

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52003DC0702:EN:HTML>

