[SK] New E-Commerce Law

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Rainer Großhans
Institute of European Media Law (EMR), Saarbrücken/Brussels

On 1 February 2004 the new law on E-Commerce entered into force in Slovakia. The law defines basic concepts from the field of electronic commerce, such as “Information Society services”, “providers and consumers of Information Society services”, “business communication” and what is referred to as the co-ordinated field.

The concept “Information Society services” covers any service normally provided for value and effected over a distance during a connection by electronic means through an electronic network, following a request made by a consumer for such a service. This especially applies to business communication, in the handling, transmission, storage, query or collection of data and emails, with the exception of personal emails. Broadcasting (radio and television) including videotext, long-distance phone services, fax services and provision of services are not covered by this concept, as well as services which are already not included, not being provided remotely.

The legal provisions of the new E-Commerce law are based on the principle of the free dissemination of information society services. The main characteristic of these services is that no specific authorisation or licence is required for their distribution. Moreover, no registration is involved. However the responsibility of the provider to comply with the general and specific requirements of the co-ordinated field remain unaffected. These principles also apply to providers who offer information society services from another EU Member State. The concept “Co-ordinated Field” contains the general and specific requirements laid down in the legal regulations of the Slovakian Republic and the Member States with respect to service providers, for example the starting up of business activities, compliance with certain requirements when exercising a business activity, the quality of information society services and the liability of providers. The act further stipulates that information society service providers are subject to the law of the Member State in which their head-office is registered.

In addition, the new law specifies that no information may be e-mailed to the consumer for commercial purposes, unless he has specifically requested it. Finally, the act contains some further liability regulations for the provider.

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22 ZÁKON z 3. decembra 2003 o elektronickom obchode a o zmene a doplnení zákona č. 128/2002 Z. z. o štátnej kontrole vnútorného trhu vo veciach ochrany spotrebiteľa a o zmene a doplnení niektorých zákonov v znení zákona č. 284/2002 Z. z.

https://www.fri.utc.sk/www/upload/linky/5_zakon_o_eobchode.pdf

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