Council of the European Union: EU Joins Council of Europe Convention on Notification of Rules on Information Society Services

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On 22 March 2004, the Irish Presidency of the European Union signed, on behalf of the EU, Council of Europe Convention 180 on Information and Legal Co-operation concerning Information Society Services. The Convention establishes an international system for the notification of draft national rules relating to online services, modelled on the existing EU notification system set up by Directive 98/34/EC, as amended by Directive 98/48/EC (see IRIS 1998-8: 3).

The definition of "Information Society Services" in the Convention mirrors the one contained in Directive 98/48/EC. These are defined as "any service, normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services". The Convention does not apply to radio broadcasting services and television programme services covered by the European Convention on Transfrontier Television. Under the terms of the Convention, each Party must transmit the text (together with a short summary) of any draft national regulation specifically concerning Information Society services to the Secretary General of the Council of Europe, who will in turn transmit this to the other Parties. Each of the Parties may then submit comments on the notified draft, which the notifying party should endeavour to take into account when finalising the rule. In contrast to the EU notification system, the Convention does not provide for a standstill period following notification during which the legislative process is frozen (see IRIS 1998-8: 3), so Parties are encouraged to submit their comments as soon as possible. The Convention also provides for Parties to transmit to the Secretary General of the Council of Europe the final text of the regulations in question, so that these can be made available by means of a single database.

The general aim of the Convention is to increase the transparency and coherence of national rules for online services. This is particularly important as these services have by their very nature a cross-border dimension. The notification mechanism will enable all Parties to co-operate in the creation of new rules for this developing field.

Observer States, such as the USA, Canada, Japan and Mexico can also become Members of the Convention and can take part in the notification system.

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"On-line services: EU ratifies Council of Europe Convention on notifying new national rules", Press Release of the European Commission IP/04/377 of 23 March 2004

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