

[LT] Draft Law on Information Society Services

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The Committee of the Lithuanian Parliament for the Development of the Information Society prepared a Draft Law on Information Society Services. It serves to implement 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).

The draft law indicates that it regulates the provision and other activities of providers of information society services.

It defines the main concepts such as e-commerce, services of the information society, commercial information, etc. The services of the information society are defined as services provided usually for remuneration by electronic means upon the individual request of the receiver of the services of the information society.

In accordance with Article 3 of the draft law the regulation on the provision of information society services and other activities of the providers shall be based on the principles of technological neutrality, functional equivalence, freedom of the treaties, development of self-regulation, legal protection of personal data, consumer rights protection, protection of intellectual property, objectivity, legal certainty, etc.

It is indicated that the provider may be a natural or legal person, including the branch or representative office of a foreign company and that these services may be provided without concession of the public administration, unless other laws provide otherwise.

Furthermore, the draft law contains, *inter alia*, specific provisions concerning the conclusion of contracts by electronic means, moment and place of dispatch and receipt of the offer and the acceptance.

Chapter 5 defines the liability of the providers of the services of the information society. According to Article 12 of the draft law the providers are not liable for the provided information, if they do not make any changes in it.

Chapter 8 designates the supervisory bodies of the services of the information society and sets out their rights and duties. In accordance with Article 18, the

Government of the Republic of Lithuania forms the policy and strategy of the provision of the services of the information society. The Communications Regulatory Authority regulates the provision of the services. Articles 19 and 20 define the functions and rights of the Communications Regulatory Authority, which are essential for the effective implementation and control of the Law.

The Law will provide possibilities for developing services based on modern technologies and e-business. It is also expected that this Law will fill the gaps related to the legal framework of the services of the information society.

The Parliament of the Republic of Lithuania is planning to adopt the draft law on 12 April 2006. It shall come into force on 1 May 2006.

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