Commonwealth of Independent States: Model Law on Internet Regulation

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The Commonwealth of Independent States (CIS) Interparliamentary Assembly which is currently comprised of delegations from the parliaments of Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan and Ukraine enacted on 16 May 2011 a Model Statute on the Basics of Internet Regulation (*Модельный закон «Об основах регулирования Интернета»*). It consists of 3 chapters with a total of 13 articles.

The Act sets out principles and determines major directions of regulation of relations that have to do with the use of Internet, sets procedures for state support of its development, and rules for determining place and time of legally relevant actions with the use of Internet.

The Model Statute (Art. 2) provides definitions of “Internet”, “operator of Internet services”, “national segment of Internet”, etc. Article 5 sets out principles of legal regulation such as: (1) protection of human rights and liberties, “including the right to use Internet and access to the information placed there”; (2) consideration of peculiarities of construction and development of Internet, including existing international rules and technical procedures; (3) limitation of state regulation by the subject-matters that are not or may not (due to national law) be regulated by international norms or rules adopted by self-regulatory organizations of users and operators of Internet services; (4) non-proliferation of regulation of relations that are connected with the development of Internet and “do not touch upon the rights and interests of a human being, society and the state”.

State bodies are required to provide conditions for the equal and non-discriminatory access to Internet of all users (Arts. 7 and 10). They shall not allow for “ungrounded” restrictions on the activity of operators of Internet services and on the exchange of information via Internet (Art. 7).

CIS member states are encouraged to oblige operators of Internet services to store data on the users and services provided to them for at least 12 months and to supply it upon request to the courts and/or law-enforcement agencies for the sake of counteraction to illegal activities with the use of Internet (Art. 13).

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Article 11 of the Model Statute stipulates that legal actions with the use of Internet are considered as performed on the territory of the state if such an action that gave rise to legal consequences was committed by a person during his stay in that state. The time of such an action is the time of the first action that gave rise to legal consequences.

Модельный закон «Об основах регулирования Интернета»

http://www.iacis.ru/html/?id=22&pag=792&nid=1

Model Statute "On the Basics of Internet Regulation", adopted at the 36th plenary meeting of the CIS Interparliamentary Assembly (Resolution No. 36-9 of 16 May 2011)

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