

Selected documents of relevance for providing on-line services in the European Internal Market

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This document contains references to a number of selected documents of relevance for the provision of on-line services in the European Internal Market. The documents can be obtained at 'europa.eu.int/eur-lex' or 'europa.eu.int/comm'. [Elaborated in connection to Danish IT Society's Annual Internet Law Conference, September 2004].

1. The Internal Market - Freedom to Provide Services

21 January 2004, Report on the implementation of the Internal Market strategy (2003-2006), COM(2004) 22.

13 January 2004, Proposal for a directive on services in the Internal Market, COM(2004) 2.

21 May 2003, Green paper on services of general interest, COM(2003) 270.

30 July 2002, Report on the state of the Internal Market for services presented under the first stage of the Internal Market strategy for services, COM(2002) 441.

29 December 2000, Communication on an Internal Market strategy for services, COM(2000) 888.

2. E-Commerce Directive

21 November 2003, First report on the application of Directive 2000/31 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market, COM(2003) 702.

14 May 2003, Communication on application to financial services of article 3(4) to (6) of the electronic commerce directive, COM(2003) 259.

7 February 2001, Communication on e-commerce and financial services, COM(2001) 66.

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8 June 2000, **Directive 2000/31** on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce').

17 August 1999, Amended proposal for a directive on certain legal aspects of electronic commerce in the Internal Market, COM(1999) 427.

18 November 1998, Proposal for a directive on certain legal aspects of electronic commerce in the Internal Market, COM(1998) 586.

16 April 1997, Communication on a European Initiative in Electronic Commerce, COM(1997) 157.

3. Mobile Commerce

30 June 2004, Communication on mobile broadband services, COM(2004) 447.

4. Consumer Protection

11 June 2002, Communication on follow-up communication to the green paper on EU consumer protection, COM(2002) 289.

7 May 2002, Communication on consumer policy strategy 2002-2006, COM(2002) 208.

2 October 2001, Green paper on European Union consumer protection, COM(2001) 531.

4.1. Commercial Communication and Practices

25 May 2004, Political agreement on the proposal for a directive concerning unfair business-to-consumer practices in the Internal Market and amending Directives 84/450/EEC, 97/7/EC and 98/27/EC (the Unfair Commercial Practices Directive) - Outcome of proceedings of Council, 2003/0134 (COD).

18 June 2003, Proposal for a directive concerning unfair business-to-consumer commercial practices in the Internal Market and amending directives 84/450/EEC, 97/7/EC and 98/27/EC (the Unfair Commercial Practices Directive), COM(2003) 356.

18 June 2003, Extended impact assessment on the directive concerning unfair business-to-consumer commercial practices in the Internal Market and amending directives 84/450/EEC, 97/7/EC and 98/27/EC (the Unfair Commercial Practices Directive), SEC(2003) 724.

26 May 2003, **Directive 2003/33** on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products.

29 November 2002, Communication regarding Quality Criteria for Health related Websites (eEurope 2002), COM(2002) 667.

25 October 2002, Amended proposal for a regulation concerning sales

promotions in the Internal Market, COM(2002) 585.

2 October 2001, Proposal for a regulation concerning sales promotions in the Internal Market, COM(2001) 546.

6 October 1997, **Directive 97/55** amending directive 84/450 concerning misleading advertising so as to include comparative advertising.

10 September 1984, **Directive 84/450** relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising.

4.2. Distance Selling

23 September 2002, **Directive 2002/65** concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC.

23 July 1999, Amended proposal for a directive concerning the distance marketing of consumer financial services and amending Directives 97/7/EC and 98/27/EC, COM(1999) 385.

19 November 1998, Proposal for a directive concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC, COM(1998) 468.

20 May 1997, **Directive 97/7** on the protection of consumers in respect of distance contracts.

4.3. Injunction and Cooperation

18 July 2003, Proposal for a regulation on cooperation between national authorities responsible for the enforcement of consumer protection laws ("the regulation on consumer protection cooperation"), COM(2003) 443.

12 May 2003, Proposal for a directive on injunctions for the protection of consumers' interests (Codified version), COM(2003) 241.

13 December 2003, Communication concerning article 4(3) of directive 98/27 on injunctions for the protection of consumers' interests, concerning the entities qualified to bring an action under article 2 of this directive, 2003/C 321/07.

19 May 1998, **Directive 98/27** on injunctions for the protection of consumers' interests.

5. Unsolicited Commercial Communications ('Spam')

22 January 2004, Communication on unsolicited commercial communications or 'spam', COM(2004) 28.

19 November 2003, Communication on European electronic communications regulation and markets 2003 (report on the implementation of the EU electronic communications regulatory package), COM(2003) 715.

27 February 2004, The Article 29 Data Protection Working Party, opinion on unsolicited communications for marketing purposes under article 13 of directive 2002/58/EC, Opinion 5/2004.

12 July 2002, **Directive 2002/58** concerning the processing of personal data and the protection of privacy in the electronic communications sector.

24 October 1995, **Directive 95/46** on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

6. Copyrights

29 April 2004, **Directive 2004/48** on the enforcement of intellectual property rights.

30 January 2003, Proposal for a directive on measures and procedures to ensure the enforcement of intellectual property rights, COM(2003) 46.

22 May 2001, **Directive 2001/29** on the harmonisation of certain aspects of copyright and related rights in the information society.

11 March 1996, **Directive 96/9** on the legal protection of databases.

27 July 1995, Green paper on copyright and related rights in the information society.

29 October 1993, **Directive 93/98** on harmonizing the term of protection of copyright and certain related rights.

14 May 1991, **Directive 91/250** on the legal protection of computer programs.

7. Payment

2 December 2003, Communication concerning a new legal framework for payments in the Internal Market (consultative document), COM(2003) 718.

18 September 2000, **Directive 2000/46** on the taking up, pursuit of and prudential supervision of the business of electronic money institutions.

13 December 1999, **Directive 1999/93** on a Community framework for electronic signatures.

30 July 1997, Recommendation concerning transactions by electronic payment instruments and in particular the relationship between issuer and holder, COM (1997) 489.

17 November 1988, Recommendation concerning payment systems, and in particular the relationship between card-holder and card-issuer, COM(1988) 590.

8. Cooperation in Civil Matters

25 May 2004, Proposal for a regulation creating a European order for payment procedure, COM(2004) 173.

21 April 2004, **Regulation 805/2004** creating a European enforcement order for uncontested claims.

22 July 2003, Proposal for a regulation on the law applicable to non-contractual obligations ("Rome II"), COM(2003) 427.

14 January 2003, Green paper on the conversion of the Rome Convention of 1980 on the law applicable to contractual obligations into a Community instrument and its modernisation, COM(2002) 654.

18 April 2002, Proposal for a Council regulation creating a European enforcement order for uncontested claims, COM(2002) 159.

22 December 2000, **Regulation 44/2001** on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

26 October 2000, Amended proposal for a Council Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, COM(2000)689.

29 May 2000, **Regulation 1348/2000** on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

22 December 1997, Proposal for a Council act establishing the Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters in the Member States of the European Union, COM(97) 609.

9. Miscellaneous

30 April 2004, Green paper on the approximation, mutual recognition and enforcement of criminal sanctions in the European Union, COM(2004)334.

18 February 2004, Communication on eEurope 2005 (mid-term review), COM(2004) 108.

3 November 2003, Communication concerning the evaluation of the Multiannual Community Action Plan on promoting safer use of the Internet and new online technologies by combating illegal and harmful content primarily in the area of the protection of children and minors, COM(2003) 653.

13 June 2002, Council Framework **Decision 2002/584** on the European arrest warrant and the surrender procedures between Member States.

7 May 2002, **Directive 2002/38** amending and amending temporarily directive 77/388/EEC as regards the value added tax arrangements applicable to radio and television broadcasting services and certain electronically supplied services.

26 January 2001, Communication on creating a safer Information Society by improving the security of information infrastructures and combating computer-related crime, COM(2000) 890.

10. Selected Case Law (ECJ)

25 March 2004, **Herbert Karner Industrie-Auktionen GmbH v Troostwijk GmbH**, Free movement of goods - Article 28 EC - Measures having equivalent effect - Advertising restrictions - Reference to the commercial origin of goods products - Goods from an insolvent company - Directive 84/450/EEC - Fundamental rights - Freedom of expression - Principle of proportionality, Case C-71/02.

11 December 2003, **Deutscher Apothekerverband eV v 0800 DocMorris NV and Jacques Waterval**, Articles 28 EC and 30 EC - Directives 92/28/EEC and 2000/31/EC - National legislation restricting internet sales of medicinal products for human use by pharmacies established in another Member State - Doctor's prescription required for supply - Prohibition on advertising the sale of medicinal products by mail order, Case C-322/01.

6 November 2003, **Criminal proceedings against Piergiorgio Gambelli and Others**, Right of establishment - Freedom to provide services - Collection of bets on sporting events in one Member State and transmission by internet to another Member State - Prohibition enforced by criminal penalties - Legislation in a Member State which reserves the right to collect bets to certain bodies, Case C-243/01.

6 November 2003, **Criminal proceedings against Bodil Lindqvist**, Directive 95/46/EC - Scope - Publication of personal data on the internet - Place of publication - Definition of transfer of personal data to third countries - Freedom of expression - Compatibility with Directive 95/46 of greater protection for personal data under the national legislation of a Member State, Case C-101/01.

1 October 2002, **Verein für Konsumenteninformation v Karl Heinz Henkel**, Brussels Convention - Article 5(3) - Jurisdiction in matters relating to tort, delict or quasidelict - Preventive action by associations - Consumer protection organisation seeking an injunction to prevent a trader from using unfair terms in consumer contracts, Case C-167/00.

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