



Notification Number: 2013/239/E

## AMENDMENT TO ACT 34/2002, of 11 JULY 2002, ON INFORMATION SERVICES AND E-COMMERCE

Date received : 08/05/2013

End of Standstill : 09/08/2013

### Message

Message 002

Communication from the Commission - TRIS/(2013) 01205

Directive 98/34/EC

Translation of the message 001

Notification: 2013/0239/E

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201301205.EN)

#### 1. Structured Information Line

MSG 002 IND 2013 0239 E EN 08-05-2013 E NOTIF

#### 2. Member State

E

#### 3. Department Responsible

Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y Medio Ambiente.

Dirección General de Coordinación de Políticas Comunes y de Asuntos Generales de la Unión Europea.  
Secretaría de Estado para la Unión Europea.

Ministerio de Asuntos Exteriores y de Cooperación.

C/ Serrano Galvache, 26, 4ª planta, Torre Sur (28071 Madrid)

Teléfonos: 91 379 84 64, 91 379 17 80 y 91 394 88 04

Fax: 91 379 84 01

Dirección correo electrónico: d83-189@ue.maec.es

#### 3. Originating Department



SUBDIRECCIÓN GENERAL DE REDES Y OPERADORES DE TELECOMUNICACIONES  
DIRECCIÓN GENERAL DE TELECOMUNICACIONES Y TECNOLOGÍAS DE LA INFORMACIÓN.  
SECRETARÍA DE ESTADO DE TELECOMUNICACIONES Y SOCIEDAD DE LA INFORMACIÓN.  
MINISTERIO DE INDUSTRIA, ENERGÍA Y TURISMO.  
C/ CAPITAN HAYA, 41, 28071 – MADRID

**4. Notification Number**

2013/0239/E - SERV

**5. Title**

AMENDMENT TO ACT 34/2002, of 11 JULY 2002, ON INFORMATION SERVICES AND E-COMMERCE

**6. Products Concerned**

INFORMATION SOCIETY SERVICES

**7. Notification Under Another Act**

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**8. Main Content**

AMENDMENT TO ACT 34/2002, ARTICLES 20, 21, 22, 38 AND A NEW ARTICLE 39B IS ADDED TO THE NEW PENALTY SYSTEM IN FORCE. THE PURPOSE OF THESE AMENDMENTS IS TO:

- FACILITATE TRADE RELATIONSHIPS REGARDING COMMERCIAL COMMUNICATIONS CARRIED OUT THROUGH DIFFERENT ELECTRONIC DEVICES, EMPHASISING AND CLARIFYING THE CONDITIONS UNDER WHICH THESE MAY BE CARRIED OUT.
- EASE THE PENALTY SYSTEM ON SENDING UNSOLICITED COMERCIAL COMMUNICATIONS.
- MODERATE THE UNAVOIDABLE APPLICATION OF THE PENALTY SYTEM TO CERTAIN SERVICE PROVIDERS TO AVOID CESSATION OF THEIR BUSINESS.
- IMPROVE LEGAL CERTAINTY FOR BUSINESSES USING THE INTERNET AND ADJUST THEM TO THE CURRENT SITUATION.

**9. Brief Statement of Grounds**

THIS AMENDMENT AIMS TO ADAPT ACT 34/2002 TO THE CURRENT SOCIAL AND ECONOMIC FRAMEWORK, WHICH IS VERY DIFFERENT FROM THAT IN 2002, BOTH FROM THE INFORMATION SOCIETY PERSPECTIVE, WITH A SIGNIFICANTLY HIGHER NUMBER OF USERS, AND FROM A GENERAL ECONOMIC PERSPECTIVE.

**10. Reference Documents - Basic Texts**

References to the basic texts: ACT 34/2002, of 11 JULY 2002, ON INFORMATION SERVICES AND E-COMMERCE

The basic texts were submitted under a previous notification: 2001/334/E

**11. Invocation of the Emergency Procedure**

No



**12. Grounds for the Emergency**

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**13. Confidentiality**

No

**14. Fiscal measures**

No

**15. Impact assessment**

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**16. TBT and SPS aspects**

TBT aspect

NO – The draft has no significant impact on international trade.

SPS aspect

NO – The draft is not a sanitary or phytosanitary measure

NO – The draft has no significant impact on international trade.

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European Commission

Contact point Directive 98/34

Fax: +32 229 98043

email: [dir83-189-central@ec.europa.eu](mailto:dir83-189-central@ec.europa.eu)