

## Proposal for new Telecommunications Act finally goes before Senate

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The legislative proposal for the new Telecommunications Act has been submitted to the Senate for approval after lengthy debate in the House of Representatives. The proposed act will implement the new electronic communications framework (made up of the Access, Authorization, Framework and Universal Service Directives).

Numerous amendments to the act were proposed by the lower chamber during the debate, some of which have resulted in changes to the original proposal. The proposed amendments include:

- making it an offense under the Economic Offenses Act to violate the opt-in and opt-out regimes for unsolicited communications. This amendment was rejected on the grounds that civil law contains sufficient legal means to enforce the opt-in and opt-out regimes;
- deleting the restrictions that provisions regarding unsolicited communications only apply to (i) subscribers of electronic communication services, and (ii) natural persons. This was also rejected as the initial proposed restriction is in line with the EU Privacy and E-communications Directive, and accepting it could have resulted in a violation of EU regulations concerning the correct implementation of directives; and
- extending the right to use customers' electronic contact details for commercial purposes to include the right to use such details for charitable and other related purposes.

However, now that the proposed act is before the Senate no further debate is expected. As the Senate can only accept or reject (and not amend) legislation, this stage is often nothing more than a formality. It is hoped that there will be no further delays in implementing the e-communications framework as the European Commission seems keen to enforce penalties against member states that failed to implement the framework by the deadline of July 24, 2003\*.

\* Christopher Rees and Dominic Callaghan, 'Commission wields stick against late e-communications implementation', in: *World eBusiness Law Report*, 26 November 2003

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