

## Minister promises that telecom watchdog *will* enforce spam opt-in regime

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The Dutch minister for economic affairs has told the Parliament that the Telecommunications Regulatory Authority (OPTA) will fully enforce the prohibition against unsolicited emails established by the revised Telecommunications Act. Uncertainty arose after OPTA announced that it would not act on consumer complaints, raising fears that the much-vaunted opt-in regime for consumer spam was an empty promise.

However, according to the minister, OPTA only intended to warn consumers that it cannot guarantee a solution for each individual complaint because of the international nature of spam. According to the minister, OPTA *will* fully enforce the prohibition against spam under the revised Telecommunications Act, and consumers should submit any complaints accordingly. Such complaints are important as they may be used as evidence, allowing OPTA to go on and enforce an administrative order, impose an order for periodic penalty payments or impose an administrative fine of up to €450,000.

Although the Dutch government is generally in favor of self-regulation, the minister also expressed his opinion that a special complaint body for spam is not advisable. The existence of such a body would create expectations among consumers that their complaints will result in solutions, which cannot be guaranteed. Consequently, the minister has refused to provide financial support for the existing anti-spam organization Spamvrij.nl.

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