

## **Anti-spam measures in force within the EU**

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European Union member states have been introducing legislation to confirm with the 31 October deadline for the transposition of the new Directive for Privacy and Electronic Communications (2002/58/EC) that will outlaw the sending of spam - unsolicited commercial e-mail - to individuals.

In August of last year, the EU estimated that spam accounted for 50% of global e-mail traffic and 46% of EU traffic. With the total number of e-mail messages sent worldwide expected to grow from 31 billion in 2002 to 60 billion by 2006, action is sorely needed if the medium is not to grind to a halt.

The new Directive includes provisions on security of networks and services, confidentiality of communications, access to information stored on terminal equipment, processing of traffic and location data, calling line identification, public subscriber directories and unsolicited commercial communications. The Directive applies to fax and SMS (mobile phone text messaging) as well as e-mail. It is based on an 'opt-in' system for individuals, although business-to-business messaging can be based on an 'opt-out' system.

The spirit of the legislation applies equally to senders of messages established outside the EU but addressing recipients within the EU - although it is accepted international cooperation will be required before this provision can be enforced.

The exact details of legislation will vary from country to country, but the penalties are potentially significant. For example, in Italy spammers could face a prison term of up to three years and a maximum fine of €90,000, while in the UK spammers will not go to jail but could face unlimited fines from a jury.