WRITTEN QUESTION E-1997/03
by Mihail Papayannakis (GUE/NGL) to the Commission

(16 June 2003)

Subject: Unsolicited e-mail (spamming)

The USA recently adopted legislation to curb spam e-mail. Some states enable recipients to sue spammers for up to USD 25,000 a day, while the possibility of prison sentences is also being considered.

Given that millions of Europeans with e-mail facilities are plagued by spamming and that the Community institutions are also frequently affected, is the Commission considering taking measures to stamp it out and, in general terms, does the Commission consider it appropriate to adopt Community legislation to combat the phenomenon?

WRITTEN QUESTION E-2085/03
by Graham Watson (ELDR) to the Commission

(24 June 2003)

Subject: Spam email

What measures has the Commission taken to reduce the amount of unsolicited emails or spam reaching inboxes Europe-wide?

Will the Commission consider introducing legislation to assist with the monitoring of junk mail?

Does the Commission envisage any joint action with the US government on this issue?

Joint answer
to Written Questions E-1997/03 and E-2085/03
given by Mr Liikanen on behalf of the Commission

(24 July 2003)

The Honourable Members ask in substance whether (and if so which) measures are being considered by the Commission as regards unsolicited e-mails or spam.

As a preliminary remark, while it is true that many American States have indeed adopted legislation addressing spamming, the United States does not have specific federal legislation on spamming. The United States Congress is, however, currently discussing such federal legislation, and the Federal Trade Commission can decide to act against certain cases of spam where these constitute fraudulent or deceptive practices.

In contrast, the Parliament and the Council have already adopted legislation in July 2002 prohibiting the sending of e-mails without prior consent, except in very limited circumstances (see Article 13 of Directive 2002/58/EC of the Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (1)). This Directive has to be transposed by Member States by 31 October 2003 at the latest.
The success of this approach will first of all depend on its effective transposition and in particular its enforcement by Member States. To facilitate a successful follow-up, an initial list of actions has been suggested to Member States and competent authorities via the Communications Committee (which assists the Commission in the context of the new regulatory framework for electronic communications) and the Article 29 Data Protection Working Party.

In addition to this Directive, Article 10 of Directive 97/7/EC of the Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (1) provides for restrictions on the use of certain means of distance communication including e-mail. For the context of distance marketing of consumer financial services, Article 10 of Directive 2002/65/EC of the Parliament and of the Council of 23 September 2002 (2) establishes for similar restrictions for unsolicited communications. So called ‘scope clauses’ guarantee that these rules are applied vis-à-vis third countries (Article 12(2)). Finally, for the general context of e-commerce, Article 7 of Directive 2000/31/EC of the Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (3) establishes means for the protection against spam.

But legal action as such is not enough. Consumer education and awareness are also essential, as well as industry involvement through e.g. best marketing practices and the provision of effective filtering facilities. The Commission will liaise with industry and consumer organisations to promote effective initiatives in this area.

Finally, since spam is a global problem, international co-operation at both bilateral and multilateral levels is also essential. Recent efforts e.g. at the Organisation for Economic Co-operation and Development (OECD) level, are more than welcome. Bilateral contacts are ongoing, and co-operation with the United States will be important in this regards since an important portion appears to come from entities based in the United States.


(2004/C 51 E/199)  
WRITTEN QUESTION E-2002/03  
by Salvador Garriga Polledo (PPE-DE) to the Commission  
(16 June 2003)

Subject: Promoting a European teaching culture

The university world has a major role to play in European integration by fostering a European spirit in those it is training not just for professional life but also life as citizens, and by developing a new teaching culture.

The technical aspects of the completion of the European common educational area have already been resolved, but the same is not true of the political issues. There remains a need to foster a European spirit among the Member States, develop different teaching methods and content and incorporate European attitudes and values into University education.

What contribution is the Commission making towards the achievement of these objectives, which have the support of most European university vice-chancellors, given that unless they are achieved there can be no real convergence, whence the need for this new teaching culture?