

ELECTRONIC COMMUNICATIONS ACT 2000

EXPLANATORY NOTES

THE INTERNATIONAL CONTEXT

19. This Act is consistent with, and seeks to implement, certain provisions of the EU Electronic Signatures Directive (1999/93/EC), which was adopted on 13 December 1999 (OJ L 13/12, 19.1.2000). The Directive is intended to facilitate the use of electronic signatures and to contribute to their legal recognition throughout the European Union. Further details can be found on the EU website at: http://europa.eu.int/eur-lex/en/lif/dat/1999/en_399L0093.html. The Act is also compatible with the Cryptography Guidelines, published by the Organisation for Economic Co-operation and Development (OECD) on 19 March 97 (available on the OECD website at: www.oecd.org/subject/e_commerce), and the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Electronic Commerce (available on the UN website at www.un.or.at/uncitral/english/texts/electcom/ml-ec.htm). Finally, the Act is also consistent, in scope and purpose, with the draft Uniform Rules on Electronic Signatures and Certification Authorities, which are currently under development in UNCITRAL.
20. The broad aim of the Act, facilitating electronic commerce, is similar to that of the EU E-Commerce Directive, which seeks to remove barriers to the development of electronic commerce in the internal market, but there is no overlap in the detailed provisions. The main areas addressed in the Directive are simplifying and clarifying rules of establishment, ensuring consistency in approaches to commercial communications, ensuring legal validity of electronic contracts and limiting the liability of intermediary service providers. The Directive was adopted on 4 May 2000 and will appear in the Official Journal in due course. Further information on this Directive is available from the DTI website at www.dti.gov.uk/cii/ecomdirective/index.htm.