

## SCHEDULES

### SCHEDULE 25

#### INFORMATION SOCIETY SERVICES

##### *Interpretation*

- 7 (1) This paragraph applies for the purposes of this Schedule.
- (2) “Information society service”—
- (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and
  - (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”.
- (3) “The E-Commerce Directive” means Directive [2000/31/EC](#) of the European 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 (Directive on electronic commerce).
- (4) “Recipient” means a person who (whether for professional purposes or not) uses an information society service, in particular for seeking information or making it accessible.
- (5) An information society service-provider is “established” in a country or territory if the service-provider—
- (a) effectively pursues an economic activity using a fixed establishment in that country or territory for an indefinite period, and
  - (b) is a national of an EEA state or a body mentioned in Article 48 of the EEC treaty.
- (6) The presence or use in a particular place of equipment or other technical means of providing an information society service is not itself sufficient to constitute the establishment of a service-provider.
- (7) Where it cannot be decided from which of a number of establishments an information society service is provided, the service is to be regarded as provided from the establishment at the centre of the information society service provider’s activities relating to that service.
- (8) Section 212(4) does not apply to references to providing a service.