

**BIJLAGE 3 Antwoorden OPTA questionnaire oktober 2006**

Vraag 1: Is spam to legal entities forbidden in your country yes/no?

Vraag 2: Is faxspam forbidden in your country yes/no?

Land	Vraag 1	Vraag 2	Toelichting
België	Yes	Yes	It's not forbidden but you have to respect the prior consent principle (opt in regime). Exception: The provider is exempt from asking for prior consent to send commercial e-mails if the electronic mail is sent to a "impersonal" electronic address of a legal person (info@company.be, contact@... , privacy@... , sales@... , orders@... , customersservice@... , etc.).
Cyprus	Yes	Yes	If you want more information, see : <a href="http://mineco.fgov.be/information_society/spa_mining/home_nl.htm">http://mineco.fgov.be/information_society/spa_mining/home_nl.htm</a>
Denemarken	Yes	Faxspam is also mentioned in section 6	According to section 6 in the Danish Marketing Practices Act a trader may not approach anyone by means of electronic mail, an automated calling system or facsimile machine with a view to the sale of products, real property, other property, labour and services unless the party concerned has requested him to do so.
Duitsland	Yes	Yes	-
Griekenland	Yes	Yes	-

Hongarije	Yes		Depends on the interpretation of different laws. The answer is currently before the Court. (the Hungarian National Communications Authority's effective decision, stating that it is forbidden to send fax spam is now challenged before the Court). I will let you know when we have a definitive answer.	
Litouwen	Yes		Yes	
Noorwegen	No		Yes	-
Polen	Yes. It is forbidden, according to our Telecom Act and Electronic services' law.		Yes, it is forbidden	+

Slovakije	<p>In Slovakia the „SPAM“ problems are stipulated by the Act No. 610/2003 Coll. on Electronic Communications following way: Section 65 Unsolicited Communication(1) Electronic mail means any text, voice, sound or image message sent over public network, which can be stored in the network or in the recipient's terminal equipment until it is collected by the recipient.(2) Calling, sending of facsimile messages, electronic mail messages, including SMS messages to a user for the purpose of direct marketing shall only be allowed with his/her prior consent. The consent of person authorised by the user for use of its access to the network shall be considered as the consent of the user. The consent given may be revoked at anytime. Sending of electronic mails for the purposes of direct marketing, from which the address to which a user may send a request to cease mailing of such messages and identity of the sender is unknown, shall be prohibited. (3) The prior consent of the user shall not be requested in case of direct marketing of the undertaking's own goods and services to the user whose contact information for delivery of an electronic mail the undertaking has acquired in the context of selling goods or services and in accordance with this Act or a special regulation24a). The user shall be offered the possibility to refuse such use of data at any time, simply and free of charge.</p>		<p>I hope that the direct wording will give you the best possible answer. In the sense of mentioned provision it is forbidden to send electronic mails (including spams) for the purposes of direct marketing from which the address to which a user may send a request to cease mailing of such messages and identity of the sender is unknown.</p>
Tsjechië	Yes (spam to legal entity is forbidden)	Yes (faxspam is also forbidden)	
Zweden	No	Yes	

Zwitser-land	<p>Today spam isn't forbidden in Switzerland. But in spring of next year a revised Swiss telecom law will come into force and spam to legal entities and faxspam will be forbidden<sup>1</sup>.</p>	<p>With coming into force of the revised Swiss telecom law in spring of 2007 the national authority involved with enforcement measures relating to 'SPAM' in Switzerland will be the State Secretariat for Economic Affairs (SECO)</p>
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<sup>1</sup> Navraag heeft geleerd dat de wetgeving op 1 april 2007 is ingegaan.

HERNIEUWDE VRAGEN MEI 2008 o.g.v. EERSTE KAMERVragen

Land	Vraag 1	Vraag 2	Toelichting
Frankrijk	Yes, with exception of a generic address, e.g. spam@xxx.xx	Yes	<a href="http://www.cnil.fr/index.php?id=1780&amp;news[uid]=238&amp;cHash=161b81f35f">http://www.cnil.fr/index.php?id=1780&amp;news[uid]=238&amp;cHash=161b81f35f</a>
Italië	Yes	Yes	A decision issued in 2005 regulated the drawing up and publishing of "yellow-pages"-like directories, however it left unprejudiced the requirements applying to unsolicited communications also when addressed to businesses, companies, etc. listed in these directories.
Oostenrijk	Yes	Yes	§107 TKG
Spanje	Yes	Yes	
Verenigd Koninkrijk	No	Yes	Privacy in Electronic Communications Regulations