

G-Regs™

Netherlands – Dutch Civil Code – Book 3



Full title:	1992 Dutch Civil Code – Book 3
Relevant Implementing Act	<p>Act of 13 May 2004 amending the Civil Code, the Code of Civil Procedure, the Penal Code and the Law on Economic Offences implementing Directive 2000/31/EC of the European Parliament and of the Council of the European Union of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178) (Electronic Commerce Directive Act)</p> <p>Entry into force: 30/06/2004.</p> <p>https://zoek.officielebekendmakingen.nl/stb-2004-210.html</p>
Title of relevant sections:	<p>Book 3: Property Law in General;</p> <p>Title I: General Provisions;</p> <p>Section 1A: Legal aspects of electronic communication within property law</p> <p>Articles 15d and 15e</p>
Art 15d	<p>Accessibility of data and information</p> <ol style="list-style-type: none">1. Someone who provides a service of the information society makes the following data easily, directly and permanently accessible for those who use this service, in particular for the purpose of obtaining the following information or of making this information accessible:<ol style="list-style-type: none">a. his identity and the geographic address where he is seated or located;b. data which makes it possible to contact him rapidly and to communicate with him in a direct and effective way, including his electronic mail address;c. as far as he is registered in the commercial register or a similar public register: the register where he is registered and his registration number or the equivalent means of identification in that register;d. as far as an activity is subject to a license or permit of a government institution: the data concerning the competent supervising authority;e. as far as he practices a regulated profession:<ul style="list-style-type: none">- the professional body or similar institution with which the service provider is registered;- the professional title and the Member State or the State which is a party to the Agreement on the European Economic Area where this title has been granted;- a reference to the applicable professional rules in the Netherlands and the means to access these rules;

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- f. where the service provider undertakes an activity that is subject to VAT: the VAT identification number referred to in Article 2a, first paragraph, under g, of the VAT Act 1968.
 2. Where services of the information society refer to prices, these are to be indicated clearly and unambiguously and must indicate in particular whether they are inclusive tax and delivery costs and, if so, which tax and delivery costs are charged and to what amount.
 3. A 'service of the information society' is understood as any service which is usually performed in exchange for a financial consideration, at or from a distance by electronic transmission, at the individual request of the consumer of the service without parties having been simultaneously present at the same place. A service is performed electronically if it is sent out, transmitted and received exclusively by wire, by radio or by means of optical or other electromagnetic resources, using electronic equipment for the processing, including digital compression, and the storage of data.
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Art 15e

Obligations when using commercial communications

1. Where commercial communication forms a part of a service of the information society or makes out such a service itself, the one who has instructed to use this way of communication has to ensure:
 - a. that the commercial communication is clearly recognisable as such;
 - b. that his identity can be deduced from the commercial communication;
 - c. that the commercial communication, as far as it encloses promotional offers, competitions or games, contains a clear and unambiguous indication of the nature and the conditions which have to be met to qualify for them;
 - d. that unrequested commercial communication, sent electronically, is clearly and unambiguously recognisable as such as soon as it is received by the recipient;
 2. [repealed]
 3. Commercial communication, meant in this Article, is any form of communication by electronic means, designed to promote, directly or indirectly, the goods, services or image of a company, organisation or person pursuing a commercial, industrial or craft activity or practising a regulated profession, with the exception of information allowing direct access to the activity of the company, organisation or person, in particular a domain name or an electronic mail address. Communications relating to the goods, services or the image of the company, organisation or person compiled independently from that company, organisation or person and free of charge (gratuitously), are not regarded as commercial communication.
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