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UK – E-Commerce Regulations 2002



Full title: **The Electronic Commerce (EC Directive) Regulations 2002 (SI 2002/2013)**
Entry into force: 21/08/2002.

Title of relevant sections: Regulation 2: Interpretation
Regulation 6: General information to be provided by a person providing an information society service
Regulation 7: Commercial Communications
Regulation 8: Unsolicited Commercial Communications
Regulation 9: Information to be provided when contracts are concluded by electronic means.
Regulation 10: other information requirements
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Regulation 2: Interpretation

(1) In these Regulations and in the Schedule:

“Commercial communication” means a communication, in any form, designed to promote, directly or indirectly, the goods, services or image of any person pursuing a commercial, industrial or craft activity or exercising a regulated profession, other than a communication—

- (a) consisting only of information allowing direct access to the activity of that person including a geographic address, a domain name or an electronic mail address; or
- (b) relating to the goods, services or image of that person provided that the communication has been prepared independently of the person making it (and for this purpose, a communication prepared without financial consideration is to be taken to have been prepared independently unless the contrary is shown);

“Information society services” (which is summarised in recital 17 of the 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”) has the meaning set out in Article 2(a) of the 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(O.J. L204,

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21.7.98, p.37), as amended by Directive 98/48/EC of 20 July 1998(O.J. L217, 5.8.98, p.18));

**Regulation 6:
General information
to be provided by a
person providing an
information society
service**

(1) A person providing an information society service shall make available to the recipient of the service and any relevant enforcement authority, in a form and manner which is easily, directly and permanently accessible, the following information:

- (a) the name of the service provider;
- (b) the geographic address at which the service provider is established;
- (c) the details of the service provider, including his electronic mail address, which make it possible to contact him rapidly and communicate with him in a direct and effective manner;
- (d) where the service provider is registered in a trade or similar register available to the public, details of the register in which the service provider is entered and his registration number, or equivalent means of identification in that register;
- (e) where the provision of the service is subject to an authorisation scheme, the particulars of the relevant supervisory authority;
- (f) where the service provider exercises a regulated profession—
 - (i) the details of any professional body or similar institution with which the service provider is registered;
 - (ii) his professional title and the member State where that title has been granted;
 - (iii) a reference to the professional rules applicable to the service provider in the member State of establishment and the means to access them; and
- (g) where the service provider undertakes an activity that is subject to value added tax, the identification number referred to in Article 22(1) of the sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the member States relating to turnover taxes—Common system of value added tax: uniform basis of assessment.¹

(2) Where a person providing an information society service refers to prices, these shall be indicated clearly and unambiguously and, in particular, shall indicate whether they are inclusive of tax and delivery costs.

Regulation 7:

A service provider shall ensure that any commercial communication provided

¹ O.J. L145, 13.6.77, p.1. Directive as last amended by Directive 2002/58/EC. O.J. L128, 15.5.2002, p.41.

Commercial Communications	<p>by him and which constitutes or forms part of an information society service shall:</p> <ul style="list-style-type: none">(a) be clearly identifiable as a commercial communication;(b) clearly identify the person on whose behalf the commercial communication is made;(c) clearly identify as such any promotional offer (including any discount, premium or gift) and ensure that any conditions which must be met to qualify for it are easily accessible, and presented clearly and unambiguously; and(d) clearly identify as such any promotional competition or game and ensure that any conditions for participation are easily accessible and presented clearly and unambiguously.
Regulation 8: Unsolicited Communications	<p>A service provider shall ensure that any unsolicited commercial communication sent by him by electronic mail is clearly and unambiguously identifiable as such as soon as it is received.</p>
Regulation 9: Information to be provided when contracts are concluded by electronic means.	<p>(1) Unless parties who are not consumers have agreed otherwise, where a contract is to be concluded by electronic means a service provider shall, prior to an order being placed by the recipient of a service, provide to that recipient in a clear, comprehensible and unambiguous manner the information set out in (a) to (d) below:</p> <ul style="list-style-type: none">(a) the different technical steps to follow to conclude the contract;(b) whether or not the concluded contract will be filed by the service provider and whether it will be accessible;(c) the technical means for identifying and correcting input errors prior to the placing of the order; and(d) the languages offered for the conclusion of the contract. <p>(2) Unless parties who are not consumers have agreed otherwise, a service provider shall indicate which relevant codes of conduct he subscribes to and give information on how those codes can be consulted electronically.</p> <p>(3) Where the service provider provides terms and conditions applicable to the contract to the recipient, the service provider shall make them available to him in a way that allows him to store and reproduce them.</p> <p>(4) The requirements of paragraphs (1) and (2) above shall not apply to contracts concluded exclusively by exchange of electronic mail or by equivalent individual communications.</p>
Regulation 10: Other information requirements	<p>Regulations 6, 7, 8 and 9(1) have effect in addition to any other information requirements in legislation giving effect to Community law.</p>
Regulation 11:	<p>(1) Unless parties who are not consumers have agreed otherwise, where the</p>

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- Placing of the order** recipient of the service places his order through technological means, a service provider shall:
- (a) acknowledge receipt of the order to the recipient of the service without undue delay and by electronic means; and
 - (b) make available to the recipient of the service appropriate, effective and accessible technical means allowing him to identify and correct input errors prior to the placing of the order.
- (2) For the purposes of paragraph (1) (a) above:
- (a) the order and the acknowledgement of receipt will be deemed to be received when the parties to whom they are addressed are able to access them; and
 - (b) the acknowledgement of receipt may take the form of the provision of the service paid for where that service is an information society service.
- (3) The requirements of paragraph (1) above shall not apply to contracts concluded exclusively by exchange of electronic mail or by equivalent individual communications.
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