

Guy Russell  
Department of Trade and Industry  
151 Buckingham Palace Road  
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25 May 2002

Dear Mr Russell

### **Consultation on the draft regulations to implement the E-Commerce Directive**

Thank you for your invitation to comment on the above draft implementing regulations.

As you know, the NCC responded to the DTI's public consultation on its approach to implementing the Directive. In spite of the reservations we expressed in our response - which were outlined in the DTI's summary of responses to that consultation - we can see nothing in the draft implementing regulations which would allay our concerns and increase consumer trust and confidence in making on-line, cross-border purchases.

We would like to make three specific comments on the draft regulations:-

(a) We are particularly concerned by section 7 **Internal Market**, paragraphs (1), (2) and (3), which appears to exclude the permissibility of unsolicited commercial communications by email from enforcement procedures.

(b) Section 10 **Unsolicited commercial communications** also requires clarification. Whilst it states that unsolicited commercial communications should be clearly identifiable the phrase 'where permitted' needs explanation. Does this mean in circumstances where consumers have not opted out?

(c) Section 11 **Information to be provided where contracts are concluded by electronic means**, paragraph 4 is unclear. Surely this information should be provided regardless of how the contract is concluded?

The e-commerce directive offers little to consumers in terms of building confidence. The NCC believes that UK consumers will avoid using non-UK suppliers of goods and services and that, contrary to the intention of the Directive, cross-border business to consumer trade and competition will fail to be stimulated.

Yours sincerely

Alison Hopkins  
Senior Policy Officer