

Basic Search

By Keyword

[Advanced Search](#)

September 11 2003 - Austria

Preslmayr & Partners

[Print Version](#)

Parliament brings spam regulations into line with EU framework

The Austrian [Telecommunications Act](#) has come into force, implementing the EU e-communications regulatory framework (including the [Privacy and E-communications Directive](#)).

The most important regulations for e-businesses are the new spamming rules set out in Article 107 of the act. These provisions prohibit businesses from sending emails or text messages to consumers without their prior consent if the message is (i) for direct marketing purposes, and (ii) addressed to more than 50 recipients.

However, the act provides that there is no need to obtain the recipient's prior consent if (i) there is a prior commercial relationship between sender and recipient, and the message markets similar products or services, or (ii) the recipient was given the option of opting out of all future communications when his/her details were initially collected.

The act's provisions are mainly addressed at unsolicited commercial emails sent to potential consumers. In business-to-business communications, spam is allowed without the prior consent of the recipient business provided that the email or text message contains an unsubscribe option that the recipient can use to opt out of receiving future communications.

Violations of these provisions may result in fines of up to €37,000.

Rainer Knyrim, Preslmayr & Partner Rechtsanwälte, Vienna

Channels

- Online Trading
 - Advertising/sales
 - Auctions
 - Gambling
 - Spam
 - Export restrictions
- Online contracts
- Website content
- Data protection
- Taxation
- Cybercrime
- Financial services
 - Legal services
 - M-commerce
 - Communications
- Litigation