



**COUNCIL OF
THE EUROPEAN UNION**

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REPORT

from :	COREPER
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Subject :	Unsolicited communications for direct marketing purposes or "spam" - Council Conclusions

I. INTRODUCTION

The Dutch Presidency of the Council of the European Union considers the issue of "spam" as a priority issue in the Internet security field. In this context, on 24 November 2004, a Presidency paper on "spam"¹ was submitted to delegations. This paper acknowledges the actions undertaken in 2004 and expresses the views of the Presidency on the ways to come to concrete results in the fight against "spam" by stressing the need for short term actions.

¹ Doc. 15148/04.

Against this background, the Presidency submitted draft Council conclusions on unsolicited communications for direct marketing purposes or “spam”, and they were examined by the Permanent Representatives Committee on 1 December 2004.

II. OUTCOME OF THE MEETING OF THE PERMANENT REPRESENTATIVES COMMITTEE

The text of the Council Conclusions as it stands following its examination by the Permanent Representatives Committee is attached in the annex to the present document. The Permanent Representatives Committee reached an agreement in principle on the text. The reserves still remaining to be lifted are linguistic ones and have been entered by ES, FR and IT.

The Council is invited to

- examine the outstanding reserves in view of the adoption of the Council Conclusions;
- act unanimously and, as an exceptional measure, in the 11 official languages, taking into account the fact that the versions in the languages of the new Member States are not available.

**COUNCIL CONCLUSIONS ON
UNSOLICITED COMMUNICATIONS FOR DIRECT MARKETING PURPOSES OR
"SPAM"**

RECALLS

- the Communication from the Commission "on unsolicited commercial communications or "spam"²;
- the Conclusions from the Council of 8 March 2004 on unsolicited commercial communications for direct marketing purposes or "spam".

WELCOMES

the activities undertaken by the Commission and the Dutch Presidency in the field of "spam"

NOTES

the Presidency Paper on "spam"

UNDERLINES

- the evolving nature of "spam" and the increasing threats it poses to society, inter alia as a result of attacks on electronic communications networks and other illegal activities;
- the importance of ongoing multilateral discussions in the fight against "spam", including in the context of the United Nations World Summit on the Information Society and the recently established Working Group on Internet Governance, and in particular the work in the ITU and the OECD Task Force on Spam.

² COM (2004) 28.

INVITES THE COMMISSION TO

- evaluate whether differences in the national laws on privacy and electronic communications, including those implementing Directives Nos 2002/58/EC³ and 95/46/EC⁴ might represent an obstacle to effective cross-border enforcement;
- continue the existing initiatives aimed at improving cooperation on enforcement, information exchange and consumer protection at the intra-EU level, including the informal Contact Network of Spam Authorities;
- consider whether forthcoming Community funding Programmes might be used to consolidate progress on technical and other solutions aimed at countering the diffusion of "spam";
- take an active role, in cooperation with the Member States, in further developing international cooperation with third countries.

INVITES THE MEMBER STATES TO

- coordinate their actions in bilateral and multilateral fora;
- exchange their experience on awareness campaigns and best practices.

INVITES ALL MARKET PLAYERS TO

continue to cooperate strongly among themselves and with public authorities in the fight against "spam".

³ OJ L 201, 31.7.2002, p. 37.

⁴ OJ L 281, 23.11.1995, p. 31.