PREFACE

The Preface to *eDirectives: Guide to European Union Law on E-commerce* (2002) opened with the words:

In literature still no consensus has been reached about the question whether e-commerce and newconomy should be qualified as a hype or that indeed a new age has come with serious opportunities for further economic growth. In the short term the former may be true but in the long term the latter will prove to be true too, as is at least the opinion of the editors. It should be admitted that the initial expectations of enterprises and the stock market for a prosperous growth were not met, but the tokens are there that it is a matter of time before enterprises and consumers will fully discover the advantages of doing business electronically.

This Preface was written in September 2001, at the time the internet bubble had just burst. The years 1997–2000 had shown immense growth for dot.com companies. Many companies obtained money without knowing how to make a profit, but everyone believed that the mere possession of a domain name would guarantee money pouring in. It was easy to get money from investors, in some cases not even a business plan was required. It took some time before the online market recovered after 2000, but over the last ten years there has been a general migration of business models from the offline to the online. Today consumers are as, or more, likely to buy groceries, clothes, electronics or entertainment products online, while businesses outsource everything from data analytics and data storage to personnel management and brand development to online suppliers.

The developments are not only restricted to business, the European Union has been further developing the e-commerce framework first launched in 1997. In July that year EU ministers and representatives of other relevant countries (e.g. USA, Japan) as well as business leaders gathered for three days in Bonn at a Ministerial Conference entitled ‘Global Information Networks: Realising the Potential’ and indicated they were successful in achieving the two objectives they pursued:¹

(...) first, to give a political signal that Europe is ready to meet the challenge of the Information Society and realise its potential; secondly, to achieve agreement among the European States on the rules and principles for the use of the Global Information Networks.

Arno Lodder has offered a Masters course in E-commerce Law since 2001. It normally attracts between 20–45 students. In 2016 an unprecedented number of

1 <http://bookshop.europa.eu/en/european-ministerial-conference-pbCD0997333/>.

around 70 students subscribed. This is a sharp contrast with the fact that only a few years before the student numbers were 20–25, and he was at the point of abandoning the course since not that much happened in the field of e-commerce. Andrew Murray also offers an e-commerce law Masters module and it is proving equally popular, meeting its cap of 30 students annually. It is not only the increased student interest that leads us to update this book now. There are many interesting developments in our society in terms of case law and regulation in the field of e-commerce. Many enterprises today are fully or at least partially active as an e-commerce business. As such, they have to comply with the law. The present work provides an insightful overview of all the major EU Directives and Regulations relevant for e-commerce.

Over the years it seemed time for an update, but the final decision to do so was made only after Edward Elgar Publishing asked for it after a suggestion by Andre Savin (Copenhagen Business School), for which he is heartily thanked. The former co-editor Henrik Kaspersen retired in 2009, and it is with much pleasure that Andrew Murray (London School of Economics) joined.

The present edition is very different from the first one, and consists of the following chapters:

- Chapter 1 is the introductory chapter by the editors;
- Chapter 2 on Directive 2000/31/EC on e-commerce by Arno R. Lodder is the only chapter that has been revised, all other chapters are new;
- Chapter 3 discusses Directive 2001/29/EC on copyright in the information society; given all the developments in this area Tatiani Synodinou has written a new chapter;
- Chapter 4 is written by Yin Harn Lee on the enforcement Directive 2004/48/EC;
- Chapter 5 on the services Directive 2006/123/EC is co-authored by Giovanna De Minico and Miriam Viggiano;
- Chapter 6 is written by Christina Riefa on Payment Services 2 and the Electronic Money Directive 2009/110/EC;
- Chapter 7 discusses Directive 2011/83/EC on consumer rights that replaced Directive 97/7/EC on distance selling, and is authored by Christiana Markou;
- Chapter 8 is written by Pablo Cortes and covers both the 2013 ADR Directive and ODR regulation;
- Chapter 9 is by Jos Dumortier who discussed Directive 1999/93/EC in the previous edition that has now been replaced by the 2014 eID regulation;
- Chapter 10 deals with the Directive 2014/26/EU on multi-territorial licensing and collective right management by Dinusha Mendis;
- Chapter 11 is by Jozwiak-Gorny and Jozwiak and is not focused on a Regulation or Directive, but discusses competition law in the context of e-commerce; and

- Chapter 12 addresses privacy in relation to e-commerce, amongst others addressing the General Data Protection Regulation that was enacted in early 2016, and is written by Tijmen Wisman.

Each piece of legislation addressed in the various chapters is commented upon on an article-by-article basis, although in some chapters this approach is only partly followed due to the specific directive or regulation. We hope and expect the book to be of interest to students and academics as well as practitioners and policy-makers. We thank Shivani Moenesar for putting the text in the publisher's format.

Arno R. Lodder and Andrew D. Murray
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