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Working party approves e-marketers' code of conduct

The European Commission's [Article 29 Working Party](#), which consists of representatives from national data protection authorities and monitors matters related to the EU [Data Protection Directive](#), has [approved](#) the [Federation of European Direct Marketing's](#) (FEDMA) e-commerce and interactive marketing [code of conduct](#).

Under the directive, EU-wide codes of conduct may be submitted for review to the working party, which will determine whether they comply with the directive and its national implementing laws. Although many codes of conduct have been reviewed at a national level by national data protection authorities, the FEDMA code is the first to be reviewed under the EU procedure.

The FEDMA and a sub-committee of the working party have been discussing the code - which contains definitions of technical terms taken from the directive and practical examples specifically tailored to the direct marketing industry - for seven years. The new opinion signals the working party's approval of the code, especially where it:

- provides for compliance and monitoring by national direct marketing associations that are members of the FEDMA;
- considers the possibility of legal action against non-members that do not comply with the code (in addition to actions against non-complying members); and
- offers a level of protection to minors that goes beyond that offered by the directive.

The working party emphasized that the resolution of complaints by national members of FEDMA is in addition to, and not a replacement of, the enforcement of national personal data protection laws by national authorities.

Although the code of conduct deals with both off and online marketing and personal data collection, the FEDMA intends to add an appendix to address separately issues relating to e-communications. Some of these rules will most likely be taken from the EU [Privacy and E-communications Directive](#).

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