

Email Legislation Explained

By John McCabe

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European Email Legislation in 5 minutes!

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There has been a lot has been talk over the last couple of years - particularly since the August 2000 Distance Selling Directive did not give the direct marketing industry sufficiently clear guidelines about opt-in and opt-out status in respect of email usage.

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At that point it was left to individual EU Member States to ensure that Unsolicited Commercial Emails (UCE) are only sent where there is no clear objection from the consumer. This ambiguity left the way clear for the dubious spamming practices we have all witnessed over the last couple of years.

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Following persistent lobbying from pressure groups, MEP's and responsible email marketers, the EU Parliament finally moved in mid 2002 to clarify the position in favour of gaining explicit consent from email users. Opt-in email marketing will become the standard following the second reading of the EU Directive 2002/58/EC and its subsequent adoption later this year.

So in practical terms, what does it mean when the Directive is adopted in the UK? In a nutshell, it boils down to a couple of points: -

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1. ".....it is justified to require that prior explicit consent of the recipients is obtained before such communications are addressed to them." This could not be clearer - opt-in is the only legitimate form of email marketing left available to the direct marketing industry. Providing a simple opt-out mechanism will now no longer be sufficient to ensure legitimacy.

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2. "Within the context of an existing customer relationship, it is reasonable to allow the use of electronic contact details for the offering of similar products or services, but only by the same company that has obtained the electronic contact details....." This protects the use of email as a medium to existing customers. However there is a word of caution in the Directive.... "When electronic contact details are obtained, the customer should be informed about their further use for direct marketing in a clear and distinct manner, and be given the opportunity to refuse such usage. This opportunity should continue to be offered with each subsequent direct marketing message"

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3. Implementation of the Directive by each Member State is due by 31st October 2003, so time is running out for spammers.

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4. Move quickly to gain opt-in status for your email address lists, and protect yourself when renting email lists by ensuring that the status is only opt-in.

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As the implementation in the UK gets closer I will from time to time re-visit this subject. To be kept abreast of what this legislation change means to you as a direct marketer, go to our website and opt-in to receive our regular news updates.

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<http://www.ukmarketingmanagement.com>

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About the Author br

John McCabe is the co-founder of UK Marketing Management (UKMM), a specialist direct marketing agency based in the West Midlands. He has 15 years experience of developing direct marketing campaigns in a variety of industries. During the last four years he has concentrated on email marketing, both as a corporate end user and as an agency. During this time he has helped develop the media with list owners, broadcasters and clients - pushing up service levels and quality of data.

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John has been responsible for the management of many successful permission based email campaigns for companies of all sizes, but in particular blue-chip organisations implementing both b2b and b2c communications.

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John's approach is to always view marketing from the client's perspective, and implementing their plans using only the best sources available, based on this wide experience.

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