

Brussels, 19 December 2007

## **Commission welcomes fast and effective intervention by Dutch regulator OPTA against spyware and malware placed on 22 million computers**

*"I welcome the determined move by the Dutch regulator OPTA", said EU Telecoms and Media Commissioner Viviane Reding. "Spyware, spam and malware are a real plague for Internet users. The decision of OPTA, which applies EU legislation vigorously, will therefore help considerably to make our European information society a safer, more trustworthy place for consumers and businesses. I call on the regulators of other countries to follow the positive example set by the Dutch regulator."*

Yesterday, the Dutch Telecom Regulator OPTA imposed a fine totalling 1 million euro on three Dutch enterprises for illegally installing software - so called spyware and adware - on more than 22 million computers in the Netherlands and elsewhere.

The companies fined now by OPTA operated together under the name DollarRevenue, which was considered to be among the 10 largest spyware distributors in the world. They managed to install the software on personal computers via downloads from the Internet and by exploiting security loopholes in computer programmes. The illegally installed software allowed the companies to spy on the consumer's on line behaviour and triggered pop-up windows containing specific advertising material.

Unlawful access to a personal computer to stall information such as spyware and adware is prohibited under European law, namely article 5(3) of the EU's ePrivacy Directive of 2002. National regulators are called upon to enforce this prohibition by deterrent measures. Yesterday's decision by OPTA is the first time that a national regulator has resorted to drastic fines against a company acting in violation of the EU ban.

In 2004, the Commission has set up an informal network of the EU's national enforcement authorities (Contact Network of Spam enforcement Authorities, CNSA) to improve cooperation among national regulators and the Commission on fighting spam spyware and malware.

To strengthen the regulatory regime underpinning the Information Society, the Commission adopted on 13 November 2007 its proposals on the Telecom Reform, which include further provisions to reinforce security and privacy. Under the proposals national regulatory authorities will be given the power to issue binding instructions to companies on the security measures that are required to secure their electronic communication networks and services and to oversee proper implementation. Specifically in relation to spam, the proposals introduce the possibility for Internet Service Providers to take legal action against spammers.

More information on the fine imposed by OPTA can be found at:

<http://www.opta.nl/asp/en/newsandpublications/pressreleases/document.asp?id=2459>