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*De Richtlijn Elektronische Handel
en financiële diensten:
een brug te ver ?*

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Abstract

The adoption of the EU directive on Electronic Commerce has provoked a lot of questions and interrogations about its application in the financial sector.

The object of the present paper is to provide a general overview of the possible consequences of applying the horizontal e-commerce directive to the different areas of financial services legislation, with specific attention to issues of Belgian law. After a general description of the main features of the e-commerce directive and its place amongst the arsenal of harmonization measures at EU level, a few critical remarks are made about the interaction between the general e-commerce directive and the specific directives in the fields of banking, investment services, and collective investment undertakings.

The author concludes that the uncertainties raised by several basic questions relating to the interpretation of the e-commerce directive and its implications in the area of financial services are not akin to promote the climate of legal certainty which was the basic intention of the drafters of the e-commerce directive..

Published in:

Liber Amicorum Prof. Dr. Y. Merchiers, Die Keure, 2001, p. 601-624.

As this working paper has been published in the abovementioned book, it is no longer available in working paper format. Readers are kindly referred to the published article.