

# Spam fighting in the Netherlands

Wout de Natris

Council of Europe

Regional workshop on cybercrime

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# Introduction

- Coordinator for London Action Plan
- OPTA (post + telecoms regulator and spam)
- LAP, Worldwide anti spam body
  - Enforcers, government, industry, special interest
  - See [www.londonactionplan.org](http://www.londonactionplan.org)
  - Develop best practices
  - Coordinate between LEA and industry
  - Influence EU, government, industry, IRO's and LAP

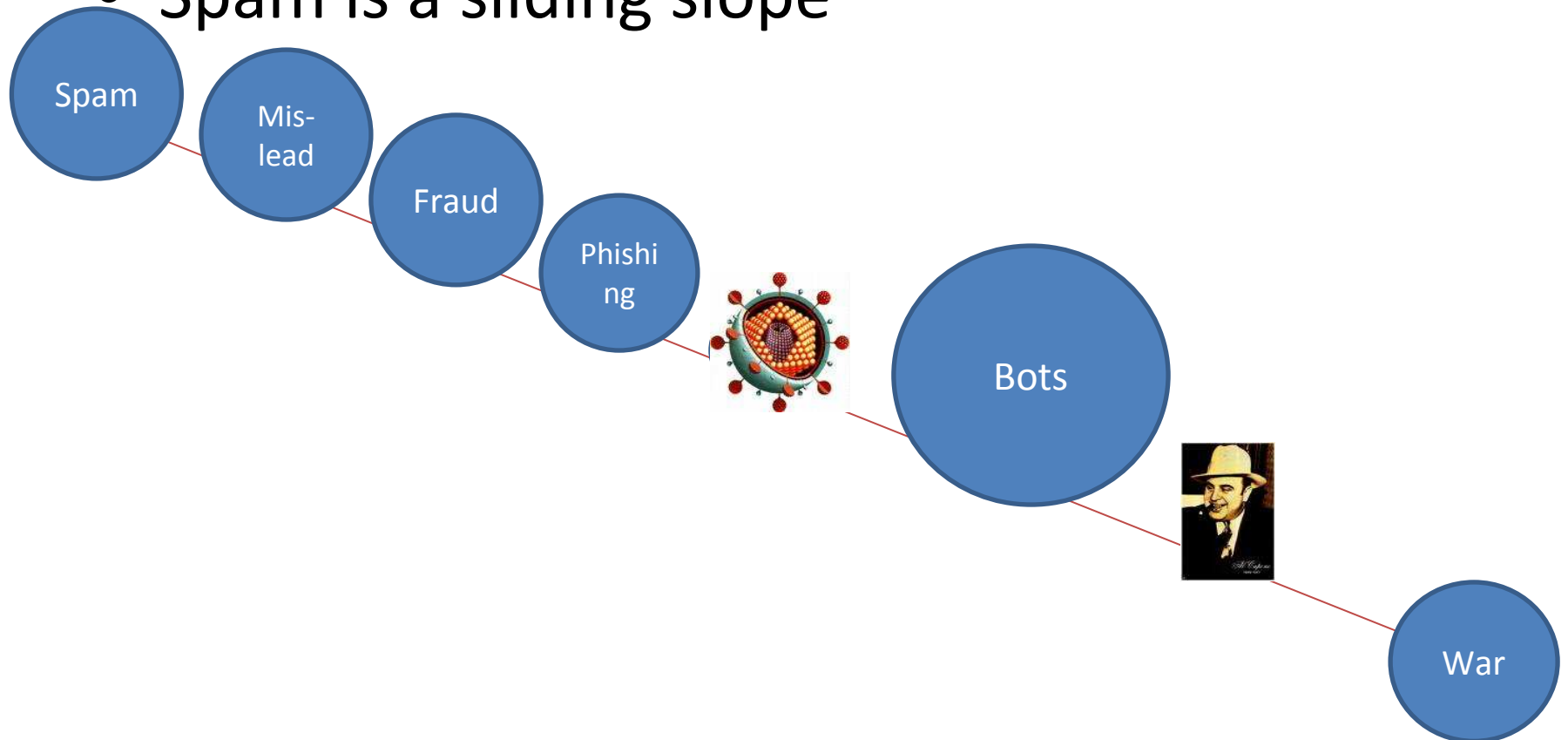
# Impression

I would like you to understand the following

1. Spam is the begin of cybercrime, a means to an end
2. Spam is cross border
  - a. international
  - b. national
  - c. Industry
3. Necessity to cooperate
4. Spammers can make loads of money

# Important to understand

- Spam is a sliding slope



# The law

- Unsolicited messages are forbidden without prior consent (opt-in)
- E-mail, sms, fax and automated calls
- Commercial, charitable, ideological
- Disguised sender, absence of cease address
- Legal and natural persons (since 2008)
- Unsolicited installs of software

# The law 2

Spam investigation is basically the same as a cybercrime investigation

1. On- and offline research
2. Information requests
3. Raids
4. Seize/copy evidence
5. Interrogation
6. Duty to cooperate/fines non-cooperation

# The law 3

- Allowed to exchange information
  - a. Nationally
  - b. Within the EU
  - c. Stricter condition outside EU
  - d. Difficult with industry
- Fines up to €450.000,=

# Administrative law

- Telecommunication Act 2004
- General Administrative law
- Both give OPTA powers to investigate
- Fines
- Appeal at OPTA
- Appeal to administrative court(s), two tiered



# Some figures 2004 - 2010

- Complaints 85.713
- Warnings 185
- Penalties 25
- Periodic penalty 4
- B2B spam prohibition doubled complaints



# Results

- 2004 85% decrease of Dutch spam
- Height of fines: between € 2000 and € 1.000.000
- SMS fraud spam more or less history
- No final decision in court



# Policy suggestions

- Beware for the obligation to take on every individual complaint
- Spammers can make a lot of money
- Involvement of other agencies
- Cooperate where possible/necessary
- Build in possibility to warn (and fine double if necessary)
- Revocation of IP resources and phone numbers

# Any questions???

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