DIGITALEUROPE

DIGITALEUROPE urges MEPs to bring ePrivacy closer to digital reality and to reject LIBE report

Brussels, 17 October 2017

Ahead of the adoption of the ePrivacy regulation report by the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE), DIGITALEUROPE wishes to stress that the content of the draft report does not reflect a balanced consensus and is out of touch with technology realities. We strongly urge MEPs voting on Thursday to carefully consider the practical – and negative – implications of the report, and to vote against it.

DIGITALEUROPE, and the many tech companies it represents, has been providing constructive feedback in the process so far. We have consistently sought to positively engage with MEPs and have always supported a legal framework that protects European citizens' fundamental rights to confidentiality while ensuring that they can reap the benefits from digital innovation.

However, regrettably, the LIBE Committee's report does not reflect a balanced consensus. Instead, it sets a new standard for inflexibility and a refusal to embrace technology innovations. We need an ePrivacy regulation that ensures a high level of legal protection for confidentiality of communications, and one that enables digital innovation – not one that chooses one over the other.

We continue to believe that a more balanced, forward-looking approach is possible, one that aligns fully with the General Data Protection Regulation (GDPR) which businesses across Europe are still implementing ahead of next year's deadline. The new approach must also be consistent with the European Electronic Communication Code being currently decided by the co-legislators.

In addition, the ePrivacy regulation should define its scope in a way that minimizes overlaps; it should not introduce parallel definitions or consent requirements. It must also be technology neutral and ensure necessary legal flexibility, such as the use of legitimate interest and other legal basis defined in the GDPR, so that users are not overburdened with consent requirements.

While welcoming the European Parliament strong commitment to encryption, DIGITALEUROPE urges MEPs to take the above basic principles into account, to reject the LIBE report and to not start trialogue negotiations without due consideration of these principles.

Background

The proposed ePrivacy Regulation will have far-reaching effects on how electronic communications and many online services operate in the EU. The Regulation will extend obligations that are significantly more stringent than what currently apply to telecom operators to all over-the-top ("OTT") communications services, machine-to-machine ("M2M") applications, and content services with communications capability such as video games, dating apps, and e-commerce sites with built-in chat features. It will also require browsers, mobile apps and many other types of software enabling electronic communications to obtain end-users' opt-in consent upon installation, effectively disregarding other legal bases for data processing. Such a wide extension of both scope and the nature of the obligations will have a significant impact on all industry sectors relying on data-driven innovation.

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ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies.

DIGITALEUROPE's members include in total 25,000 ICT Companies in Europe represented by 61 corporate members and 37 national trade associations from across Europe. Our website provides further information on our recent news and activities: http://www.digitaleurope.org

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