



Time to rethink ePrivacy

Brussels, 8 October 2019

The draft ePrivacy Regulation was proposed in January 2017 and remains on the agenda of the Council of the EU following two and a half years of intense discussions.

Progress on the file has, however, been limited. While the Council has considered ways to improve the text, too many important questions remain unaddressed and amendments continue to create more confusion than clarity.

The arrival of a new European Commission in November and European Parliament represents an opportunity for a fresh start in the debate, which can only happen if the proposal is fundamentally reassessed in light of the many outstanding concerns, the new legislative landscape and technology development.

Our associations represent interests as varied as ICT, automotive, medical technology, construction equipment, consumer electronics, home appliances, retail, banking and insurance, publishers and communications agencies. The current ePrivacy proposal has generated great uncertainty across all of these industries, whose efforts to comply with the General Data Protection Regulation (GDPR) risk being jeopardised by an incoherent ePrivacy text.

To date, there remain unanswered questions about the essential aspects of the proposal – its scope of application, its definitions, its inflexible legal bases and its relationship with the GDPR. The Council has endeavoured to address industry's concerns in the various iterations of the text. Unfortunately, attempts to solve the substantive issues have fallen short absent a more profound reconsideration of the proposal.

Without a major overhaul of the text, Europe's digital transformation will be severely hampered as a result of the legal uncertainty and rigidity brought about by the ePrivacy Regulation. Europe's artificial intelligence ambitions will also be frustrated at a time when specific AI legislation is being considered.

Ahead of a major stocktaking exercise in 2020 on the application of the GDPR since it came into force in May of last year, this is an opportune time to reset the ePrivacy discussions and ensure certainty and consistency for both industry and consumers.

We therefore urge Member States to ask the European Commission to reconsider its proposal for an ePrivacy Regulation. We fully support the worthy objectives of the proposal, but only a fresh new attempt will serve the Regulation's purpose in line with the principles of better regulation. We stand ready to support the Commission and the co-legislators in these efforts.

The following associations have signed this letter:

- Abelia abelia.no
- ACEA – European Automobile Manufacturers' Association acea.be
- Adigital – Asociación Española de la Economía Digital adigital.org
- AFNUM – Alliance Française des Industries du Numérique afnum.fr
- AGORIA agoria.be
- Allied for Startups alliedforstartups.org
- Anitec-Assinform anitec-assinform.it
- AmCham EU amchameu.eu
- APPLiA – Home Appliance Europe applia-europe.eu
- APDSI – Associação para a Promoção e Desenvolvimento da Sociedade da Informação apdsi.pt
- Bitkom bitkom.org
- BSA | The Software Alliance bsa.org
- BVDW – Bundesverband Digitale Wirtschaft bvdw.org
- CCIA – Computer and Communications Industry Association ccianet.org
- CECE – Committee for European Construction Equipment cece.eu
- COCIR – European Coordination Committee of the Radiological, Electromedical and Healthcare IT Industry cocir.org
- Confederation of Danish Industry danskindustri.dk
- Confederation of Industry of the Czech Republic spcr.cz
- Dansk Erhverv – Danish Chamber of Commerce danskeerhverv.dk
- Developers Alliance developersalliance.org
- DIGITALEUROPE digitaleurope.org
- DDV – Deutscher Dialogmarketing Verband ddv.de
- DINL – Stichting Digitale Infrastructuur nederland dinl.nl
- DMA – Data & Marketing Association dma.org.uk
- EACA – European Association of Communication Agencies eaca.eu
- EACB – European Association of Co-operative Banks eachb.coop
- Ecommerce Europe ecommerce-europe.eu
- ECTA – European Competitive Telecommunications Association ectaportal.com
- EDiMA edima-eu.org
- EPIF – European Payment Institutions Federation paymentinstitutions.eu
- ET TSA – European Technology and Travel Services Association ettsa.eu
- EuroCommerce eurocommerce.eu
- EuroISPA euroispa.org
- European Holiday Home Association ehha.eu
- European Tech Alliance eutechalliance.eu
- EVIA – European Ventilation Industry Association evia.eu
- FEDMA – Federation of European Direct and Interactive Marketing fedma.org
- FESI – Federation of the European Sporting Goods Industry fesi-sport.org
- FSB – Federation of Small Businesses fsb.org.uk
- GESTE – Groupement des éditeurs de contenu et de services en ligne geste.fr
- Handelsverband Österreich handelsverband.at
- IAB Europe iab europe.eu
- INFOBALT infobalt.lt
- IEF – Internet Economy Foundation ie.foundation
- Insurance Europe insuranceeurope.eu
- ISFE – Interactive Software Federation of Europe isfe.eu
- ITI – Information Technology Industry Council itic.org
- ITL – Estonian Association of Information Technology and Telecommunications itl.ee
- Japan Business Council in Europe jbce.org
- JEITA – Japan Electronics and Information Technology Industries Association jeita.or.jp
- Latvijas Interneta Asociācija lia.lv
- NL digital nldigital.nl
- PIIT – Polska Izba Informatyki i Telekomunikacji piit.org.pl
- Sapie sapie.sk
- SMEunited – Crafts & SMEs in Europe smeunited.eu
- Syntec Numérique syntec-numerique.fr
- TECH IN France techinfrance.fr
- techUK techuk.org
- Technology Ireland technology-ireland.ie
- Technology Industries of Finland teknologiateollisuus.fi
- ZVEI – Zentralverband Elektrotechnik- und Elektronikindustrie zvei.org