# Joint industry letter on the ePrivacy Regulation

*Brussels, 28 November 2018*

Ahead of the Transport, Telecommunications and Energy Council meeting of 4 December, **businesses from across all sectors of the European economy would like to reiterate their concern about the proposal for an ePrivacy Regulation**. Despite ongoing negotiations in the Council, the text remains far from addressing the many substantive issues that have been raised since the proposal was first put forward. We therefore urge Member States to signal clearly that **negotiations with the European Parliament should not be rushed on the basis of a flawed text**, which would have profound repercussions for the European economy.

There have been numerous calls in recent months exhorting the Council to start trialogues as soon as possible. We respectfully submit, however, that these calls have consistently failed to articulate the link with existing, comprehensive protections under the General Data Protection Regulation (GDPR) and why these should be complemented by inflexible ePrivacy rules. While strong levels of privacy protection are essential, the coherence and quality of the proposed Regulation should not be sacrificed.

**We stress once again that the expanded scope of the ePrivacy proposal would create a large overlap with the GDPR**, effectively replacing large portions of the GDPR for a vast majority of data processing activities. This goes well beyond the traditional telecoms or online sectors and would apply broadly to all products and services in Europe's connected society. Europe's ability to innovate in artificial intelligence, energy transition, manufacturing, cooperative intelligent transport systems, medical technology and more would be subject to static, one-size-fits-all rules that are unreasonable for very different use cases.

At a time when practical application of the GDPR has just commenced, companies from different sectors have received no clarity as to how ePrivacy would apply to existing and emerging technologies and services. Proceeding on the basis of an incomplete understanding of the proposal's impact will only damage Europe's digital transformation, from both an economic and societal standpoint.

**Closer consideration of the legal bases for both electronic communications data and terminal equipment data and alignment with those available under the GDPR is needed** in order to achieve a more robust, balanced and future-proof ePrivacy text that aligns to Europe's global competitiveness objectives. We urge Member States to carefully examine and reconsider the proposal with such objectives in mind.



The following associations have signed this letter:

- 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
- AmCham EU amchameu.eu
- APPLiA – Home Appliance Europe applia-europe.eu
- APDSI – Associação para a Promoção e Desenvolvimento da Sociedade da Informação apdsi.pt
- ARMO – Asociatia Romana a Magazinelor Online armo.org.ro
- AustrianStartups austrianstartups.com
- bevh – Der E-Commerce Verband bevh.org
- Bitkom bitkom.org
- BNE – Bundesverband Neue Energiewirtschaft bne-online.de
- 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 Industry of the Czech Republic spcr.cz
- Dansk Erhverv – Danish Chamber of Commerce danskerhverv.dk
- Developers Alliance developersalliance.org
- DIGITALEUROPE digitaleurope.org
- DINL – Stichting Digitale Infrastructuur Nederland dinl.nl
- EACA – European Association of Communications Agencies eaca.eu
- EACB – European Association of Co-operative Banks eacb.coop
- EBF – European Banking Federation ebf.eu
- eco – Verband der Internetwirtschaft eco.de
- Ecommerce Europe ecommerce-europe.eu
- ECTA – European Competitive Telecommunications Association ectaportal.com
- EDiMA edima-eu.org
- EER – European Energy Retailers europeanenergyretailers.eu
- EGBA – European Gaming and Betting Association egba.eu
- EHHA – European Holiday Home Association ehha.eu
- EHPA – European Heat Pump Association ehpa.org
- ESBG – European Savings and Retail Banking Group wsbi-esbg.org
- ESMIG – The European voice of the smart energy solutions providers esmig.eu
- ETTSA – European Technology and Travel Services Association ettsa.eu
- Eurelectric – Union of the Electricity Industry eurelectric.org
- EuroCommerce eurocommerce.eu
- EuroISPA euroispa.org
- European Tech Alliance eutechalliance.eu
- FEDMA – Federation of European Direct and Interactive Marketing fedma.org
- FESI – Federation of the European Sporting Goods Industry fesi-sport.org
- France Digitale francedigitale.org
- FSB – Federation of Small Businesses fsb.org.uk
- GESTE – Les éditeurs de contenus et services en ligne geste.fr
- Handelsverband Österreich handelsverband.at
- IAB Europe iabeurope.eu
- INFOBALT infobalt.lt
- Insurance Europe insuranceeurope.eu
- ISFE – Interactive Software Federation of Europe isfe.eu
- ITI – Information Technology Industry Council itic.org
- Japan Business Council in Europe jbce.org
- JEITA – Japan Electronics and Information Technology Industries Association jeita.or.jp
- Latvijas Interneta Asociācija lia.lv
- PostEurop posteurop.org

- SAPIE – Slovak Alliance for Innovation Economy sapie.sk
- SEMI semi.org
- smartEn – Smart Energy Europe smarten.eu
- Syntec Numérique syntec-numerique.fr
- TECH IN France techinfrance.fr
- Technology Industries of Finland teknologiateollisuus.fi
- Technology Ireland technology-ireland.ie
- WFA – World Federation of Advertisers wfanet.org