



Brussels, 10 November 2020

Dear Minister,

We are writing to you on behalf of a wide and diverse group of associations and companies representing a significant share of the European and global digital economy in reaction to the latest e-Privacy compromise text (Doc. 9931/20) presented by the German Presidency to Member State delegations on 4 November 2020.

We recognise that the discussions on this draft regulation are complex. In fact, over the past few years it has taken many in-depth policy and technical dialogues aimed at striking a balance between all the interests at hand, so as to foster the best digital market for the economy, entrepreneurship, employment, consumers and society as a whole. To our consternation, we find that the latest text has taken a dramatic step back on most of the core subject matter, such as Art. 6 and 8 and related recitals. We regret some of the latest changes, which undermine previously achieved progress in crafting a balanced position, disregard the constructive compromises achieved so far, negate the positions and interests of many EU Member States instead of fostering both the stability of the digital economy and its growth potential. This is particularly important as many economic sectors are facing an economic crisis, which could be aggravated by an unbalanced regulation.

We wholeheartedly endorse fundamental rights safeguards and deeply care about the prosperity and good functioning of the digital environment, which is in the interest of European citizens and our society. That includes finding the most suitable way to ensure privacy, which is a complicated matter and cannot be addressed with one-dimensional solutions that would do more harm than good for the digital economy. Any new legislation should recognise the value of the digital market and be a catalyst for future competitiveness. The current text would make certain business models impracticable and undermine the quality of the digital ecosystem. We must ensure that the protection of citizens' privacy can coexist with digital services' possibility to capitalise on the opportunities they offer; in order for

them to continue providing to citizens unprecedented access to information, entertainment, customized services, employment and heightened connectivity and communication.

Therefore, we encourage Member States to reject the latest proposal, and request the re-introduction of the compromises achieved so far through the collective efforts of the Council and stakeholders. We hope Member States will resume work on the basis of earlier draft compromises which considered the complexities of the key issues and comprised the results of years of dialogue. This would allow us to move forward on the basis of consensus, constructive dialogue and genuine solutions and reach an outcome that is fit for purpose and allows all rightsholders to take advantage of the new opportunities.

We remain at your disposal to discuss this important issue further.

Sincerely,

AER, Association of European Radios

AIG, Advertising Information Group

AMC, Audience Measurement Coalition

BSA, BSA | The Software Alliance

BVDW, Bundesverband Digitale Wirtschaft, e.V.

eco, Verband der Internetwirtschaft e.V.

Ecommerce Europe, European Digital Commerce

EGDF, European Games Developer Federation

EGTA, Association of TV & radio sales houses

EMMA, European Magazine Media Association

ENPA, European Newspaper Publishers' Association

EPC, European Publishers Council

ETNO, European Telecommunications Network Operators

EuroCommerce, Retail and Wholesale

EuroISPA, The voice of the ISPs in Europe

EUTA, European Tech Alliance

FEDMA, Federation of European Direct and Interactive Marketing

GESTE, Les éditeurs de contenus et de services en ligne

GSMA, Global System for Mobile Communications

IAB Europe, Interactive Advertising Bureau Europe

IAB France, Interactive Advertising Bureau France

ISFE, Europe's Videogame Industry

ITI, Information Technology Industry Council

SIINDa, Search & Information Industry Association

SRI, Les Régies Internet

VAUNET, Verband Privater Rundfunk und Telemedien e.V.

VDAV, Verband Deutscher Auskunfts- Und Verzeichnismedien E.V