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To the attention of Mr. Thierry Breton

Commissioner for Internal Market

Brussels, 17 December 2019

e-Privacy Regulation: Finding an adequate, balanced new legal framework for a thriving European media sector

Dear Commissioner,

We write to you on behalf of the undersigned trade associations, which together represent a large array of interests within the European digital news and media market, as regards the recent developments on the proposed ePrivacy regulation. Please allow us to begin by congratulating you on your new position, we look forward to working with you in order to strengthen the European Digital Single Market.

As representatives of the European media market, we conduct our everyday activities by fostering a relationship of trust with our users. This is why a robust and fit for purpose privacy regime in the digital market is a concept that we are very much in favour of. However, we must underline that the current discussions on the proposed ePrivacy regulation are far from achieving such goal.

Over the last years, we have worked closely with the European Commission, the European Parliament and the Council to improve the different versions of each institution for an ePrivacy proposal, however it has become increasingly evident from the challenges posed by the proposal that its fundamental architecture is not fit to achieve its declared purpose.

Only a repeal of the proposal would provide for the rethinking of the approach the European Union should take for protecting privacy in a strong digital single market and we believe that this should include safeguarding the financial independence of free and independent journalism in Europe.

Our members remain committed to preserve the privacy of citizens and invest in the digital future of Europe. However, privacy cannot and should not favour global log-in giants, by allowing data driven advertising inside the so-called walled gardens, while depriving publishers and many other players of

similar opportunities and revenues. This does not help democracy, the digital single market or even citizens. A level playing field is urgently needed.

Therefore, we welcome your recent statements during the TTE Council and would like to express our full support for a new proposal by the European Commission, which would address the various concerns raised by the media sector in Europe.

The progress report presented during the TTE Council made it clear that a balanced agreement is nearly impossible to reach on the basis of the current Commission's proposal and even more so in view of the European Parliament's position adopted in 2017, over 2 years ago with a slim majority that perhaps does not reflect the current position of the newly elected European Parliament.

It is vital for the future of the media sector in Europe that the European Commission ensures a level playing field amongst all sectors and business models. A new approach would have to address impact on competition and respect the principles of the GDPR by recognising its several legal basis, and its risk based approach.

A new impact assessment, taking into consideration learnings from negotiations over the past almost 3 years, as well as new technologies innovations and the learnings from the concrete implementation of the GDPR which has already led to significant changes across the digital ecosystem, would ensure the necessary guidance for a way forward.

As such, we strongly believe that the new European Commission is faced with a historical opportunity to decide to withdraw the proposal in light of the latest developments and the ongoing assessment of the GDPR and to propose a new legislation which takes into consideration the impact of privacy rules on competition in the online advertising market.

Yours sincerely,

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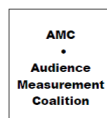
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