



Federation of European Data and Marketing

Working Group on GDPR & Consumer Protection

24 July 2023

AGENDA

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Proposal for a Regulation laying down additional procedural rules relating to the enforcement of GDPR

2

Cookie Pledge

3

Targeted consultation to support the Fitness Check of EU consumer law on digital fairness

Proposal for a Regulation laying down additional procedural rules relating to the enforcement of GDPR



Scope of the proposal

- To clarify and harmonize the procedural rules applying when national Data Protection Authorities (DPAs) investigate cross-border cases.



Rights of complainants

- Introduction of a standardized complaint form
- Three weeks to respond to the DPA's draft decision to reject the complaint
- Two weeks to object to an amicable solution with the defendant



Cooperation among DPAs

- Lead DPA to provide concerned DPA with a list of specific documents, including a summary of key issues
- Lead DPA to request an EDPB's binding decision \$/where there is no consensus among DPAs



Rights of parties under investigation (defendants)

- Right to review to the lead DPA preliminary findings, its draft decisions, and the EDPB's statements of reasons prior to a binding decision
- Access to all documents in the administrative file (except inter-DPAs' correspondence)
- Guarantees over the treatment of confidential information



Dispute resolution mechanism

- Lead DPA to provide the EDPB with a list of specific documents
- Chair of the EDPB to issue a statement of reasons prior to the EDPB's binding decisions
- Defendants and complainants to give their views on the statement of reasons within max two weeks

Cookie Pledge



WG I - Presentation of information on business models

- European Commission to carry out a behavioral study to identify and test various options to present to consumers information on a website's business models.



WG III - Technical solutions for automated management of consumer choices

- Can an automated solution ensure enough granularity for consent in line with legal requirements without causing information overload/fatigue?
- Can a website owner who implements and respects the choices of an automated solution skip to collect consent for advertising cookies on the website and only refer to the automated solution?



WG II - Alternatives to tracking based advertising

- How can advertising based on Privacy Enhancing Technologies (PETs) be perceived by consumers as less intrusive than advertising without PETs?

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- ▶ Storing and/or retrieving information on a device
- ▶ Personalised ads and content, ad and content measurement, audience insights and product development

Targeted consultation to support the Fitness Check of EU consumer law on digital fairness



TIMELINE

- **18 September:** Deadline to provide feedback to FEDMA Secretariat
- **25 September:** Deadline to submit feedback to the European Commission



SCOPE OF THE CONSULTATION

- transparency and fairness of subscription contracts for digital content and services (including their cancellation)
- deceptive practices (dark patterns) in website/app design
- misleading or aggressive marketing online
- unfair online targeting of consumer vulnerabilities for commercial purposes
- unfair standard contract terms in online contracts
- consumer rights when using 'free' services (involving commercial use of the consumers' personal data)
- rules on the burden of proof / provision of evidence regarding the fairness of commercial practices
- transparency and fairness of personalisation practices (e.g. personalised advertising, pricing, offers, ranking, recommendations)