



Brussels, 9 November 2020

To the attention of Minister xxx,

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, 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, International Advertising Bureau
ISFE, Interactive Software Federation of Europe
ITI, Information Technology Industry Council
SIINDa, Search & Information Industry Association
SRI, Les Regies Internet
VAUNET, Verband Privater Rundfunk und Telemedien e.V.
VDAV, Verband Deutscher Auskunfts- Und Verzeichnismedien E.V