

“Europe Cannot Afford to Miss the Data Revolution”

Data economy is a pillar of future growth, job creation and social progress. According to the European Commission, the value of the European data economy may raise from €285 billion in 2015 to €739 billion in 2020. Consumers and citizens will enjoy innovative products and services and, hopefully, benefit from strong guarantees for their rights and privacy. Big Data will also provide governments and authorities with the opportunity to enhance public policies’ design and effectiveness.

In 2016, the European Commission took that path with the General Data Protection Regulation (GDPR), due to come into force on 25th May 2018, in order to both enhance rights for individuals and simplify the regulatory environment to improve business opportunities.

Guaranteeing privacy is crucial to maintain citizens’ trust in digital technologies.

The undersigned companies and organizations consider that confidentiality of electronic communications and personal data protection are, in essence, unquestionable; they wish these essential principles to be provided by a balanced framework, benefitting both European citizens and digital players, in a dynamic and innovative ecosystem.

Yet the proposed “ePrivacy” regulation, recently voted in the European Parliament and currently discussed amongst Member States, will achieve none of these objectives.

We are concerned that current proposals would not offer efficient protection for consumers; would reinforce already dominant players in the data economy ; would threaten the development of European startups and innovative companies, online advertising, telecom operators, and other sectors alike; and would undermine the essential role of press and media in European democratic life.

As a matter of fact, the current ePrivacy draft regulation:

- provides global players with a preferential treatment for collecting and processing data, notably location data. Data gathered through devices and operating systems would thus be considered as specifically less sensitive than those linked to European communications networks , without any justification and in disregard of an efficient and consistent consumer protection;
- denies the opportunity, yet granted by the GDPR, to process data with appropriate guarantees, such as legitimate interest, further compatible processing and statistical purpose;
- does not take into account the complex value chain of digital advertising and its fast evolution;
- officially devolves the management of “cookies” trackers to browsing interfaces, depriving Internet users to decide in conscience of the relationship they wish to maintain with each site. This measure would create a major disadvantage for emerging companies, reducing their ability to collect advertising revenue with targeted and relevant messages. It would reduce the possible investment in quality journalism across Europe, preventing press publishers & media to build a trustful relationship with their readers and to market their editorial contents;

- locks European tech businesses & startups in a captive local market;
- targets specific technologies, such as Machine-to-Machine without demonstrating the need for it, whereas regulation should be as technology-neutral as possible.

We call on European and national policy-makers to review the ePrivacy draft regulation. The European Digital Single Market deserves better than a regulation with massive and uncontrolled side effects. It needs clear and simple definitions, separating personal and non-personal data, with consistent and horizontal implementation, in order to guarantee the protection of individuals and the development of the European digital ecosystem.

