



EUROPE SET TO LEGISLATE ITSELF OUT OF THE DIGITAL ECONOMY

Advances in technology are continuing to benefit our well-being and help Europe solve some important challenges. It is being engrained into our lives more than ever before. Maintaining trust in our digital economy is becoming an important end to continuously fulfil as a result. This means giving citizens transparency and control over the processing of their personal data when used to deliver a service. Privacy frameworks also need to keep up to date with the state of rapidly evolving technologies.

We continue to demonstrate [our commitment](#) to achieving the original objectives of the ePrivacy proposal, to: enable a greater level playing field, harmonise user friendly rules, give businesses more opportunities and simplify existing regimes. Yet pursuing [speed over quality](#) will not achieve these aims to the benefit of European competitiveness in the global digital economy. We [support](#) and recognise Council is taking a learned approach in its deliberation and have made some improvements to the text, but we are disappointed key elements of the proposal still remain disproportionate to achieve their aims.

More holistic and strategic thinking is needed. If Europe wants to be a world leader in AI to benefit society or fully reach its economic potential through digitalising its industries, then a risk-based approach that aligns with the General Data Protection Regulation (GDPR) is required. We should not compromise Europe's strategic ambitions through rushing to complete a proposal because fatigue has set in or a legislative term is drawing to an end.

A legally certain and proportionate approach can prevail but ambitious action by Council is needed:

- Article 6 and 8 of the ePrivacy proposal need to take all legal possibilities of Article 6 of the GDPR into account
- Article 6 needs to permit further processing for all types of personal data with appropriate safeguards
- Article 4 should not include ancillary services that rely on a minor element of communication to offer another service as its primary offer to the market and not include solely machine-to-machine communications.

This would enable businesses more opportunities to process and store data. As a result, we can continue to develop innovative and useful services. It would also aid the level playing field and offer a predictable legal framework that adheres to the high privacy protections already experienced under the GDPR.

Further to this, the policy landscape has changed since this proposal was released. We now have full application of the GDPR and discussions on the future of the European Electronic Communications Code (EECC) have been agreed. We ask for a Parliament and Council impact assessment in this regard.

Getting ePrivacy wrong will severely impact every business that electronically processes or stores data and the consumers and businesses which enjoy their services. Detailed discussions on many open questions are required. Bold political leadership is needed to deliver a better solution for such a critical topic.

We understand eagerness to begin trilogues, but giving in to external pressures or fatigue will not propel Europe in the global digital race.