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Deputy Permanent Representative,
Ambassador
Permanent Representation of Finland
to the EU
Avenue de Cortenbergh 30

B-1000 Brussels

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Subject: ePrivacy Regulation - COREPER 22 November - improvements needed in Presidency compromise text

Dear Deputy Permanent Representative,

I am writing now to inform you about the European consumers' perspective on the latest developments on the e-privacy regulation.

It is our understanding that on 22 November 2019 the proposal for an ePrivacy Regulation will be on the COREPER agenda. We urge you as the presidency to reach an agreement that duly protects consumer's privacy and allows the opening of trilogue negotiations with the European Parliament without further delay.

Online tracking and cashing in on people's most intimate moments has become the main business model of the internet. This not only violates consumer's privacy, it creates incentives to promote disinformation, manipulation and illegal content.

European consumers and businesses will be losing out if a strong ePrivacy Regulation does not see the light of day. Without it, there will be less obstacles preventing privacy-invasive business models from continuing to cement their dominant positions, undermine people's fundamental rights and pose serious risks to our democratic processes.

After more than two and a half years of negotiations in Council, we understand now there is an opportunity to finally move to the next stage in the legislative process. We welcome that the Finnish Presidency is determined to go forwards. We are however very concerned about the overall direction that the proposal has taken in Council and the compromise text proposed by your Presidency.

Were this text to be the final outcome of the legislative process, it would be unacceptable as it would significantly lower the protection currently granted by the existing ePrivacy Directive and the General Data Protection Regulation (GDPR). We are particularly worried about the extensive possibilities to process communications data without consent under **Article 6**; the explicit legitimization of cookie walls for advertising purposes in **recital 21** and the **deletion of Article 10** on privacy settings.

We therefore ask you to work for and support improvements of these key elements of the proposal in view of achieving a General Approach in Council.

A strong ePrivacy Regulation is necessary to complement the GDPR and tackle the problems created by online commercial surveillance. Consumers are continuously forced to give up their privacy in exchange for accessing online services. For example, research carried out by our Dutch member Consumentenbond [showed](#) that websites that give information about sensitive issues such as mental health and cancer are often loaded with tracking cookies that are installed without the users' prior permission.

The reform of the current rules is essential to strengthen individuals' fundamental rights to privacy and confidentiality of communications. It is necessary to make the rules fit for the digital age and bring legal certainty for businesses. Adopting a strong and clear ePrivacy Regulation would push Europe's global leadership in the creation of a healthy digital environment. It would be an incentive for businesses to innovate and invest in privacy-friendly business models, and this is something that in the long run will benefit us all.

Yours sincerely,

Ursula Pachi
Deputy Director General