

Ms Margrethe Vestager
Executive Vice-President for
A Europe Fit for the Digital Age
European Commission

The Consumer Voice in Europe

Ref.: BEUC-X-2022-052

Brussels, 23 March 2022

Subject: EU must take action against commercial surveillance of European consumers

Dear Executive Vice-President Vestager,

As we reach the mid-term of this Commission and several key initiatives to make Europe fit for the Digital Age and ensure a human centric digital transformation are in the decisive stages, we call on you to take action against one of the biggest problems that people face in the digital economy: commercial surveillance.

Commercial surveillance is already widespread. Everything we do - where we go, who we interact with, what we like and what we buy – is being monitored by companies and used to influence our choices and decisions. It is practically impossible not to be tracked, profiled, and targeted for commercial purposes in the digital society. But it could get much worse. If we do not put an end to the invasive practices and business models which thrive on the exploitation of people's privacy and personal data, things are likely to worsen with the rollout of new technologies such as artificial intelligence and virtual reality.

To show how invasive commercial surveillance practices are and could become, BEUC has made a humorous video, which combines situations from today with scenarios in the not-too-distant future. You can find the video [here](#).

Firstly, the EU can and must address this problem in the context of initiatives such as the Digital Services Act, the Digital Markets Act, the Data Act and the AI Act. For example, prohibiting the use of sensitive data and children's data for behavioural advertising, restricting the accumulation

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and use of data by Big Tech, banning 'dark patterns' and preventing the use of remote biometric identification and social scoring AI systems by private entities.

Ensuring the swift adoption of an ePrivacy Regulation which has strong protections against online tracking and that the consumer protection acquis, in particular the UCPD, is fit for the digital age is also essential, as well as the efficient enforcement of relevant legislation such as the GDPR.

But we cannot stop there. Commercial surveillance is unfortunately in the fabric of the digital economy and companies' business models and it will take great effort, political courage and determination to remove it. The European Commission recently proposed a set of European digital rights and principles that seek to reflect EU values and promote a sustainable, human-centric vision for the digital transformation. One of the commitments put forward in this Declaration is to ensure a safe, secure and fair online environment where fundamental rights are protected. This stands in contrast to today's experience where one most of the time has no choice but to be watched, scrutinised and exploited for commercial purposes at all times. This can never be a fair environment.

We call on you to do the utmost to stop commercial surveillance and make sure it has no place in our digital society, starting now.

For your information, we have also sent this letter to Commissioner Breton, Commissioner Reynders and Mr Viola, Director General, DG Connect.

Yours sincerely,

Monique Goyens
Director General

Ursula Pahl
Deputy Director General

Cc: Mr Werner Stengg, Cabinet Expert