



Member of the European Parliament
European Parliament
60 Rue Wiertz
B-1047 Brussels
BELGIUM

5 October 2017

Dear Member of the European Parliament,

BusinessEurope would like to express its deep concerns regarding the process and current direction of the ePrivacy Regulation (ePR). We are committed to improving trust and confidentiality, however feel that this needs to be done by adapting existing rules to the world we live in today. We remain constructive to this effect but feel that we have not been sufficiently heard.

The European Parliament's Civil Liberties, Justice and Home Affairs (LIBE) Committee is hastily rushing towards a vote on this file without fully grasping its implications for existing and evolving digital technologies and services. We ask for thorough consideration due to its all-encompassing scope, which will impact all sectors and industries that use a form of electronic communication in their product or delivery of service.

While Parliament wishes to achieve the Commission's objective of having the ePR and the General Data Protection Regulation (GDPR) enter into application at the same time, we do not believe that this should come at the expense of passing disproportionate and legally uncertain legislation which confuses GDPR compliance for businesses. The respective scope of the GDPR and ePR need to be further clarified, and their impact on existing and evolving technologies and services needs to be fully understood, assessed and discussed.

Communications confidentiality is about the protection of messages in transit. Extending the scope of the ePR beyond this to cover data at rest only serves to confuse application of the ePR and GDPR. The ePR continues to contradict the GDPR and will tarnish its objective of becoming an international gold standard in data privacy law. It is also confusing for businesses to prepare for both the GDPR and understand where ePR discussions will land in order to remain compliant.



We urge MEPs to support compromises that would reduce the abovementioned conflicts and allow for innovation based on processing of data.

Our views on the ePR can be found at annex and we stand ready to fully open discussions on this important file with all stakeholders in order to achieve its objectives.

Yours sincerely,

Markus J. Beyrer