



DIRECTOR GENERAL DAGMAR KUCHTOVÁ

PRAGUE, 23 OCTOBER 2019

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List of recipients:

Commissioner Maroš Šefčovič

Commissioner Věra Jourová

Dear Vice-President Šefčovič, dear Commissioner Jourová,

On behalf of European associations undersigned bellow, we would like to ask you for support in resolving serious issues regarding the ePrivacy Regulation proposal. We are particularly concerned with the lack of consistency with General Data Protection Regulation (GDPR) as well as with an unnecessary regulatory burden this regulation would pose on companies if adopted in its current version.

We would like to draw your attention to the fact that the impact assessment of the ePrivacy Regulation proposal was completed at the end of 2016, well before the entry into force of the GDPR in May 2018. Since then, also the European Electronic Communication Code (EECC) has been adopted. Neither of these regulations has been subjected to an impact analysis of the compliance with the ePrivacy Regulation. In addition, the European Commission conducts evaluation of the GDPR with a foresight of its potential revision in the forthcoming functional period of the European Commission. According to this, it is obvious that mutual harmonisation and consistency of these regulations are crucial for their well-functioning in practice.

In addition, the authors of the proposal did not analyse in the original impact study, how the inclusion of M2M and IoT devices in industrial production into the scope of the Regulation affects the usage, intake and development of these technologies.

Last but not least, despite all the negotiating efforts made so far, the text of the ePrivacy Regulation has not still achieved a quality and understandability that would ensure that the regulation would be implementable and negative impact on both industry and users would be at minimal level. For example, there should be clearer distinction between personal and non-personal data, and between private communication and business-related communication.

For above mentioned reasons, we would like to kindly ask you and your teams to engage in serious discussion with Member States and Finish Presidency on the future of the existing ePrivacy proposal in order to achieve such a quality of the text that will ensure legal certainty, clear interpretation and practical implementation of the ePrivacy Regulation proposal across the EU digital economy. Only after this goal is achieved, the proposal is ready to move to COREPER.

We are ready to provide you with our expertise and assistance.

Yours sincerely



Dagmar Kuchtová

Director General, Confederation of Industry of the Czech Republic



CONFEDERATION OF INDUSTRY
OF THE CZECH REPUBLIC



Confederation of Danish Industry



Cc: Prime Minister of the Czech Republic Andrej Babiš

Minister of Industry and Trade of the Czech Republic Karel Havlíček

Deputy Head of the Czech Permanent Representation to the EU Jaroslav Zajíček