

**BRIEFING NOTE**

Scene setter

You are meeting with [REDACTED]  
[European Consumer Organisation](#) (BEUC) and [REDACTED] delegation. [REDACTED]

personal data

[REDACTED] (see CVs in [Annex 1](#)).

BEUC is an umbrella group representing 45 (independent) national consumer organisations from 32 European countries (EU, EEA and applicant countries). Its goal is to defend the interests of all Europe's consumers with a special focus on five areas: Financial Services, Food, Digital Rights, Consumer Rights & Enforcement and Sustainability.

The European Commission (EC) has a good collaboration with BEUC, and it has always welcomed BEUC's input. [REDACTED]

out of scope

Ms. Goyens reached out to you in a letter on 11 December 2019 (see [Annex 2](#)) to present BEUC's ideas on how best to advance consumers' interests in in your capacity as Commissioner.

The letter provides policy suggestions on the following topics: functioning of the **Single Market** and **geo-blocking**; consumer protection on **online platforms**; making **data** work for consumers; rules on **cybersecurity**; strengthening **ePrivacy**; legal framework for trustworthy **AI**; and digital product and services **liability**.

out of scope

### ePrivacy Regulation

- The EC thanks BEUC for its ongoing support for the ePrivacy Regulation. BEUC's voice is even more important now in order to achieve a General Approach under the Croatian Presidency.
- At the TTE Council in December 2019, a majority of MS shared the EC's view that swift progress on this important file is expected, but some concerns and differences of opinion among MS remain.
- The EC will continue discussions with MS and work closely with the Croatian Presidency to find an agreement on an ePrivacy framework that is fit for purpose.

[REDACTED]

[REDACTED]

out of scope

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

out of scope

### ePrivacy

***Is the EC planning to withdraw the proposal, and if so, when will you table a new one?***

*You answered this question in a press conference on 3 December 2019 following your participation in an EU Council meeting.*

- The EC is not planning to withdraw the ePrivacy proposal. The EC is working closely with the Croatian Presidency, which exceptionally chaired the meeting of the Council in December, to develop a new compromise text proposal as part of the ongoing negotiations in the Council, with a view to reaching swift progress on a modernised and balanced framework.

***PUSHING: You mentioned a new proposal?***

- The EC assisting the Croatian Presidency in finding compromises is a normal part of the legislative process. Reference to a “compromise text proposal” should not necessarily be understood as referring to a new EC proposal.

***We heard that the Croatian Presidency would add legitimate interest as grounds in Articles 6 and 8?***

- The EC cannot comment on possible plans of the Croatian Presidency. Any changes proposed by the Presidency would need support from a qualified majority of the MS. The final text of the ePrivacy Regulation will be negotiated in trilogues, where the EC will act as an honest broker.
- The EC remains committed to the strong protection of both the confidentiality of electronic communications with a limited number of possibilities of permitted processing in (art. 6) and the protection of information in the end-users’ terminal equipment (art. 8).



Regulation that complements the GDPR and tackles the problems created by online commercial surveillance, and not to withdraw or amend it.

- In a letter dated 20 November 2019, BEUC expressed worries on the Council text of the Regulation: the extensive possibilities to process communications data without consent under Art. 6; the explicit legitimization of cookie walls for advertising in recital 21; and the deletion of Art.10 on privacy settings.

- [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

decision-making  
process

EC

- Although, the Finnish Presidency worked towards a General Approach on ePrivacy in the Council, the Presidency did not get a mandate due to lack of support and presented a progress report at the TTE Council in December.
- The Croatian Presidency took over the work on a possible General Approach:
  - It contemplates deleting Art. 8, or adding “legitimate interest” as an exception to the prohibition of using terminal equipment processing/storage capabilities or collecting information from end-users’.
  - It wants to examine the possibility of aligning the legal grounds for the processing of electronic communications data in Article 6 with the legal grounds provided by the GDPR; and

- [REDACTED]  
[REDACTED]  
[REDACTED]

decision-making  
process

- [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

- The Croatian State Secretary stated in the LIBE Committee meeting of 21 January 2020 that the Croatian Presidency will present a new compromise text in February. The EC continues to support the Croatian Presidency.

[REDACTED]

[REDACTED]

- [REDACTED]  
[REDACTED]  
[REDACTED]

out of scope