

MLex Analysis

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New e-privacy overhaul will be proposed by EU Commission, Breton Says

In Brief : Governments' failure to agree on a revamp of EU rules forcing companies to keep communications confidential has led the European Commission to put forward a new bill, Thierry Breton, the commissioner in charge of the file, said today. The overhaul is meant to extend existing rules beyond telecom companies such as Telefónica, Orange and Vodafone and cover "over-the-top" service providers like Facebook and Viber.

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"I propose that for the next [EU] presidency, we'll put on the table a new proposal matching all your concerns and interests," Thierry Breton told a meeting of EU telecom ministers in Brussels. "I really think that regarding our fellow citizens there is an urgent need to move forward."

Breton, who took up his new post as EU internal market chief yesterday, said that "a lot of work" remained for governments to agree on the draft e-privacy regulation.

"We will not start from scratch," Breton said, adding that he would work with the Croatian government, which takes on the rotating presidency of the EU on Jan. 1. The role sees Croatia leading governments' legislative negotiations in the Council of the EU for six months.

The draft e-privacy revamp, which the commission originally put forward almost three years ago, covers electronic communications and the integrity of the information on someone's device, regardless of whether it's classed as personal or non-personal data. Existing rules only cover traditional telecom companies.

The European Parliament adopted its position on the bill in October 2017, but EU governments have failed to agree on a stance.

Governments diverge on how the e-privacy proposal fits with the EU's

General Data Protection Regulation, how to handle “cookie walls” — pop-up windows that block access to websites until a user gives consent to advertising cookies — and whether an exception should be granted to allow tech companies to scan billions of images for child sexual abuse.

The parliament, governments and commission must agree on a common text in order for any bill to be enacted into law.