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PRESS RELEASE

The Commission proposal for an ePrivacy Regulation seriously undermines the economic sustainability of the digital press

Brussels, 10 January 2017 – Today, the European Commission presented a legislative proposal for an ePrivacy Regulation concerning the respect for private life and personal data in electronic communications and repealing the existing Directive 2002/58/EC (last modified in 2009). Among other things, the proposal introduces new rules governing the use of cookies, which will significantly affect the business model of the digital press.

EMMA, the European Magazine Media Association, and ENPA, the European Newspaper Publishers Association, would like to stress that, despite a significant number of meetings and exchanges with the European Commission, the proposal fails to take into account the necessary cooperation between press publishers and third parties, for example when it comes to audience measurement and delivering relevant data-driven advertising. Rather, in an unprecedented move the new Regulation makes such cooperation more difficult, which seriously undermines the publishers' ability to maintain the advertising revenue they need to finance journalistic content.

For instance, the introduction of a strict opt-in requirement at the browser level for third-party cookies is far more restrictive than what exists in the current Directive. It would *de facto* cut off thousands of European companies (including press publishers) from the possibility of working with third parties for *inter alia* audience measurement and OBA purposes. In contrast, the very few market players who have access to large amounts of first-party data through their direct and inherent relationship with millions of "logged-in users" will benefit from a further competitive advantage.

ENPA President, Carlo Perrone stated: *"Publishers need to be able to continue offering professional journalistic content on press website in an open way to all readers without obstacles. It is therefore crucial that the revised E-privacy Directive allows this possibility, without affecting press readership and advertising revenues in the digital environment. We are concerned that the Commission's proposal does not reflect such a development in the press publishing sector and we hope that the Member States and the Parliament would consider this important question in the debate on this legislative proposal."*

Lastly, EMMA and ENPA deeply regret that the proposed Regulation does not foresee more exceptions than for the purpose of first-party analytics. Exceptions to the proposed prohibiting rule on accessing and storing data on a user's device would however be necessary for such purposes as ad-block detection, audience measurement (including by third parties), fraud detection, and metered models.

EMMA President, Auke Visser, added: *"Without substantial changes to the Commission's original proposal, press publishers from across Europe are in danger of suffering from an unprecedented competitive disadvantage in comparison to other market players. MEPs and Member States have to be aware of the critical role that revenue from data-driven advertising plays (and will continue to play) in the financing of the online press"*.

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ENPA is an international non-profit organisation representing publishers of newspaper and news media on all platforms. ENPA is working on a number of areas of European policy and legislation which are essential for the effective day-to-day running of operations of local, regional and national newspapers. In a rapidly changing media environment, ENPA supports publishers with the aim of achieving a successful and sustainable future for independent news media in Europe.

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EMMA, the European Magazine Media Association, is the unique and complete representation of Europe's magazine media, which is today enjoyed by millions of consumers on various platforms, encompassing both paper and digital formats. EMMA represents 15,000 publishing houses, publishing 50,000 magazine titles across Europe in print and digital.

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