

Members of the European Parliament
European Parliament
60 Rue Wiertz / Wiertzstraat 60
B-1047 Brussels

10 October 2017

Dear Members of the European Parliament

ePrivacy Regulation threatens data-driven advertising business model of European press publishers and other online media and services.

The undersigned associations represent stakeholders of the European online media and advertising sectors whose business models are threatened by certain amendments Members of the European Parliament have been supporting in the controversial report on the proposed ePrivacy Regulation. The European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) is expected to vote on the report next week.

Today, the European online experience is essentially free and ad-supported, with two-thirds of users never paying for services or content. In fact, the latest market research has shown that 8 in 10 European consumers prefer accessing online content and services for free to paying, and 7 in 10 Europeans are willing to share their browsing data to be used for advertising purposes in order to receive access to free content and services.¹

However, the ePrivacy Regulation puts into question the ability of publishers and other online services to continue offering a value exchange that affords Europeans access to content and services at little or no cost supported by advertising revenue. In particular, we note with grave concern, that in addition to consent being the only legal basis for processing, (including for security and the prevention of unauthorised use of a service) Members of the European Parliament are now close to amending the proposal in ways that would explicitly prohibit online services,

¹ Research available under www.datadrivenadvertising.eu.

including press publishers, from denying access to their advertising-funded offerings if users do not consent to data collection needed for data-driven advertising.²

This would place an unreasonable burden on European online services because they would have to develop new services, which could be accessed without any data processing. These new services would not be financed by data-driven advertising but, for example, through (increased) direct payments instead. For many advertising-funded online services and publishers, this is not an option. New income from direct payments would likely not cover the higher cost of implementing and operating the additional infrastructure required to handle such payments given the preference of Europeans to access content without payment. Moreover, the idea that content is either financed through payments *or* advertising is a false dichotomy: European press publishers need revenue from payments *and* advertising to build a sustainable online business.

The latest market research shows that data-driven advertising makes up 81% of European news publishers revenue, and 66% of mobile app revenues. Moreover, behaviorally targeted advertising, a form of data-driven advertising, is three times more valuable than advertisements that do not draw on such data on average.³ This data use further drives virtually all growth in the market.

We therefore recommend that you support amendments to the ePrivacy Regulation which explicitly recognise the right of online services, including press publishers, to restrict full access to their offerings to those users who have not consented to data processing necessary to monetise a service through data-driven advertising, without forcing publishers to adopt an alternative payments-based business model without data-driven advertising.

Amendment AM 576 to the draft LIBE Report provides an example of how this could be achieved by introducing the following language:⁴

“Wherever a clearly formulated declaration of consent is presented before use of a service or access to online content, and if absence of consent for processing prevents a provider from collecting remuneration through their usual means, the provider shall not be obliged to provide the full access to the service or content”

² See for example Amendments AM 78, AM 83, AM 523, AM 524 AM 555, AM 563, and AM 575 introduced in the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE). As well as Article 9(2) as amended in the Opinions on the ePrivacy Regulation of the Committee on Industry and Research (ITRE), the Committee on the Internal Market and Consumer Protection (IMCO).

³ Research available under www.datadrivenadvertising.eu.

⁴ Proposals with similar effects are introduced through Amendments AM 609, AM 611, AM 612, AM 613, AM 614 in the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE).


We hope to be able to rely on your support to ensure that Europeans can still benefit from free access to their favorite online content and services.

Thank you for your support.

Yours sincerely,



Dominic Lyle
European Association of Communications Agencies



Joy de Loos-Corswarem
European Magazine Media Association



Sophie Scrive
European News Publishers Association



Dr. Sachiko Scheuing
Federation of European Direct & Interactive Marketing



Angela Mills-Wade
European Publishers Council



Wout van Wijk
News Media Europe



Townsend Feehan
Interactive Advertising Bureau Europe



Stephan Loerke
World Federation of Advertisers

