

PRESS RELEASE

Council general approach on supply of digital content proposal contradicts existing data protection rules

Brussels, 8 June 2017 – EDiMA welcomes the progress made by the Council to address some of the shortcomings of the European Commission’s proposal on the supply of digital content (DCD), yet notes with concern that the concept of data as a counter-performance remains part of the text adopted during the Justice and Home Affairs Council meeting today.

EDiMA regrets that the Council has not given full consideration to the negative implications of the concept that consumers pay for a service with their personal data. We concur with the European Data Protection Supervisor (EDPS) which warned that “the Proposal is not the proper instrument to regulate the use of personal data,” as the notion of “paying with personal data” would alter the balance created by the General Data Protection Regulation (GDPR).¹

We therefore call on the European Parliament to remove any overlaps and contradictions between the proposed Directive and the EU data protection framework. Personal data is already covered by the recently adopted GDPR, as such we urge the European Parliament to limit the scope of the proposed Directive on digital content to situations in which the user has paid a (monetary) price.

“We encourage MEPs to maintain coherence and ensure legal certainty for consumers and companies alike – it is essential that this proposal does not undermine the hard work the European Parliament achieved in regards to the EU data protection framework” said EDiMA Director General – Siada El Ramly.

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¹ EDPS Opinion 4/2017, see: https://edps.europa.eu/sites/edp/files/publication/17-03-14_opinion_digital_content_en.pdf.

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