Community Statement: Making ePrivacy An Opportunity for Startups in Europe

Startups are the main drivers of the European Data Economy, creating jobs three times faster than the rest of the economy. Only by enabling the growth of today's and tomorrow's companies will we able to achieve the projected goal of €415 billion by 2020. Entrepreneurs work hard to make their vision a reality, and simultaneously comply with a growing number of laws. For startups, **privacy safeguards and confidentiality of communications is key for maintaining users' trust.**

To be clear, as founders we welcome the overhaul of outdated laws, making them fit for the digital age and harmonising the European single market. We want to protect our users privacy and create innovative products, services and experiences at the same time. However, we are concerned that this balance could be undercut with the **ePrivacy Regulation**. It impedes with and flatly disallows what has proven to best for the user and for the startups as well - being user centric, data driven and innovative businesses.

Every day startups come up with new products and business models; reimagining what we thought of as normal and testing what is possible. Starting small and on uncharted territory, they also feel the effects of regulation first. That is why we encourage you to truly '**think small and digital first**' when designing rules for the Digital Single Market.

Considering the current state of the draft regulation we cannot see a conducive and sensible approach to protecting confidentiality and fostering innovation in Europe and hence urge you to refocus the debate on the initial purpose of ensuring confidentiality of communications in transit. The following points cause most concern for startups in Europe:

- We are concerned that **confidentiality is approached with a prohibition** of data processing; sometime data processing is the only way to achieve exactly that;
- **Making Machine-to-Machine communication subject to consent**, thereby curtailing the growth aspirations of many young startups;
- **Unnecessarily limiting the processing of data,** as permitted in the GDPR via legitimate interest and further compatible processing;
- **Mandating immediate erasure of data** to an extent that is neither user nor innovation friendly;
- **Restricting web analytics services** to large players who can afford an in-house solution, thereby cutting many startups off from critical user-feedback;
- Monopolising the management of cookies to software providers, thereby **making browsers gatekeepers** and relegating startups into an inherently inferior position;
- **Overlapping/contradicting with provisions of the GDPR,** causing uncertainty and doubling regulatory load on startups.

A dynamic, innovative and competitive startup ecosystem is a key component of a European Data Economy. **Enabling startups founders to innovate** is at the heart of

this growing success story. With ePrivacy, established players stand to gain while the development of innovative and creative startups in Europe would be hampered.

The status of the discussion allows us to step back and consider confidentiality through another lens : cloud service do need to ensure that their customers data is secured and cannot be accessed by unauthorised parties. There are other paths to enhance confidentiality, let's explore them.

We call European and national policy makers to **review the substance of the e-Privacy draft regulation with a 'think small and digital first' principle**. Considering the impact of new legislative proposals on startups gives entrepreneurs the certainty and trust to build the next unicorn in Europe.

Startup Poland
Magdalena Beauchamp, Head of Public Affairs

Asociación Española de Startups (Spanish Startups Association)
Carmen Bermejo, CEO

France Digitale
Nicolas Brien, Managing Director

Silicon Allee
Travis Todd, Co-founder & CEO

Allied for Startups, Belgium
Lenard Koschwitz, Director EU Affairs

24symbols (Bestsharer), Spain
Justo Hidalgo, CEO and Co-founder

ACSEL, France
Pierre-Xavier Prietto, Managing Director

ClearKarma, France
Sylvia Chin, CEO & Co-Founder

Dataconomy, Germany
Elena Poughia, Managing Director,

diswap, Spain
Horacio Lupi

Dropcontact, France
Denis Cohen, CEO

Eulerian Technologies, France
Emmanuel Brunet, CEO

EyeEm, Germany
Ramzi Rizk, Founder & CTO

Festaing, France
Pierre-Henri Libaudière, Founder

ForTwo, Spain
Samuel Acera, CEO & Co-founder

GEO4CAST, France
Antoine Couret, CEO & Founder

GreenIce, Spain
Alex Boxall, Head of E-commerce and Founder

Kontist, Germany
Olla Jongerius, Community Manager

Leads Origins, Spain
Manuel Delgado, Co-founder

Listonic, Poland
Kamil Janiszewski, Co-founder & head of sales

Livosphere, France
Dimitri Carbonnelle, President & Founder

Meneame, Spain
Daniel Seijo, CEO

Mobincube, Spain
Fernando Marzal

Ninjamails, Spain
Carlos Mateo, DPO & founder

Rentger.com, Spain
Chema Larrea, Founder

Savelist, Spain
Nami Hashimoto, Co-founder & CEO

SentiOne, Poland
Michał Brzezicki, Co-founder & CTO

Snips, France
Yann Lechelle, Chief Operating Officer

SoftwareMill, Poland
Tomasz Szymański, CEO

Sotrender, Poland
Jan Zając, CEO & Founder

Teads, France
Sabrina Bouguessa, General Counsel

Telmedicin Sp. z o.o. (Telemedico), Poland
Beata Gosławska , Director

Thinger.io, Spain
JorgeTrincado, COO & Co-founder

Utocat, France
Martin Kruczkowski, Legal Counsel

Videona, Spain
Iago Fdez-Cedron, CEO

Visualfy, Spain
Manel Alcaide, CEO & Co-founder