



Telecom Package: publishers and online marketers welcome new provisions on cookies

Brussels 23 November 2009: European publishers and the digital advertising industry welcome the new provisions in the Telecom Package eliminating legal uncertainty for cookies which is expected to be adopted tomorrow by the European Parliament.

The ePrivacy Directive (2002/58/EC) included in the 'telecom package' strengthens security and privacy for Internet users. Crucially, the new law provides a solid legal basis for cookie management tools in browsers and other applications.

All about cookies

Cookies ensure that the internet functions effectively by storing a user's settings, such as language preferences or authentication, shopping cart contents, and other data used by websites, to improve and customise their content and advertising to user preferences.

The European Parliament rejected its earlier opt-in amendment for cookies that would have disrupted the Internet experience of users, by requiring repeated pop-up windows, or other intrusive virtual labels upon every web page visit by a user.

In its Article 5(3), the ePrivacy Directive outlines strong safeguards to protect users from unwanted software such as adware, junk, or even viruses and spyware, requiring software vendors to seek their consent. For cookies, the legislation's preamble specifically says that the control settings in a web browser such as Firefox, Internet Explorer, Chrome, Opera or Safari are sufficient to comply with the consent requirement in the legislation. Even for cookies that cannot be controlled by web browsers, the new law recognises that the settings of specific control panels satisfy the consent requirement.

The preamble also gives greater emphasis to the need for clear and comprehensive information to users, in user-friendly ways. By providing transparent information about what cookies are, users will be in a position to make informed choices; for example by managing their use of cookies via browser settings. The law now clarifies that websites can rely on browser controls and similar applications to define the acceptance of cookies. Publishers and online marketers support this approach because greater transparency, user-friendly information and easy cookies-management will increase consumer trust and confidence.

“The EU legislator kept the existing opt-out regime for cookies and improved it to the benefit of Internet users. Importantly, business now has a solid legal basis to rely on the browser settings when deploying cookies. This recognises the established practice that web users set their cookie preferences in their settings managers,” said IAB Europe Vice President Kimon Zorbas.

“The amendment increases consumer protection while not impeding the way the Internet works. The majority of the Parliament recognised the importance of the Internet and digital advertising for the future of publishing,” said Angela Mills Wade, EPC Executive Director.

Member States must transpose the Directive into national law in the next 18 months. They must do so with great care so as to avoid incorrect implementation under local law. “National legislators need to make sure that the law is transposed coherently and in a harmonised manner. If not we risk different interpretations that would create new barriers to the internal market, confuse consumers and ultimately place Europe at a competitive disadvantage to other global markets,” said Stephan Noller, CEO of nugg.ad and IAB Europe Chair of the Policy Committee.

Background

Cookies are small pieces of text, stored on a user's computer by a web browser. They are used by almost every website and are the backbone of the modern internet as websites use a lot of embedded content and services such as widgets from third party providers. Major browsers and similar applications allow users to control cookies by specifying when and which cookies to accept and to delete. With point 66 of the new preamble in the ePrivacy directive, the legislator recognised that special rules for cookies were warranted to avoid significant disruptions of the user's experience.

The ePrivacy Directive is part of the Telecom Package - a general review of the rules governing electronic communications. The Package provides for the establishment of a

new EU Telecoms Authority, rules to spur competition in telecommunication, a review of radio spectrum management and a range of consumer protection and privacy measures.

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For further information, please contact:

IAB Europe: Kimon Zorbas, Vice President, vp@iabeurope.eu, phone: +32 494 34 91 68 or Lucy Green, phone: +44 7817698366 and Geraldine Gitel xxx: pressrelations@iabeurope.eu.

European Publishers Council (ECP): Angela Mills Wade, Executive Director, angela.mills@wade.uk.net, phone: +44 1865 310 732 or Heidi Lambert Communications, Press Relations, heidilambert@hlcltd.demon.co.uk, phone: +44 1245 476 265

About IAB Europe:

IAB Europe is the voice of the online advertising sector through its 23 national associations representing more than 5,000 company members, as well as corporate members including Adobe, Alcatel-Lucent, BBC.com, Comscore Europe, E&Y, Goldbach Media Group, Google, Hi-Media, InSites Consulting, Koan, Microsoft Europe, Netlog, News Corporation, Nugg.ad, Nielsen Online, Orange Advertising Network, Publicitas Europe, Sonnenschein, Truvo, United Internet Media and Zanox. Supported by every major media group, agency, portal, technology and service provider, IAB Europe coordinates activities across the region including public affairs, benchmarking, research, standards settings, and best practices.

About EPC:

The EPC is a high level group of Chairmen and CEOs of leading European media corporations actively involved in multimedia markets spanning newspaper, magazine, book, journal, internet and online database publishers. Many EPC members also have significant interests in commercial television and radio.