

Compared to any other dossier, lobbying against the European data protection reform has taken unprecedented proportions. Shortly after the publication of the Commission proposal, Vice-President Reding told the UK newspaper The Daily Telegraph that the proposed privacy rules were subject to the most aggressive lobbying she has ever witnessed. Since the beginning of the legislative process in the EU Parliament in early 2013, lobbying efforts have only intensified.

### **Pressure by the US government**

In December 2011, only days before the publication by the proposal by the EU Commission, the United States Department of Commerce (DoC) launched a significant lobbying campaign. The campaign included high-level phone calls from senior figures in the US DoC to top level staff in the European Commission covering topics such as US business, multilateral and bilateral treaty organizations, traveller information, national security, law enforcement, trade and innovation. Partly as a result, this campaign led to a watering down of the first draft by Commissioner Reding's staff.

Between then and now, months of aggressive lobbying - especially by the US Chamber of Commerce - ensued, have recently culminated with threats of the Regulation (in its current form) sparking a "trade war". In January 2013, the US produced yet another lobbying paper to influence the European Union's decision making on European citizens' fundamental right to privacy and data protection.

## Industry lobbying & astroturfing resistance against the reform

Many of the largest companies are undertaking a lot of lobbying in their own name and via trade associations, which is what one would expect. However, they are also making associations of their associations, in order to repeat the same message yet again. For example, the “Industry Coalition for Data Protection” is such an association of associations that turned out to be lobbying by small group of companies calling the tune.

Another example is the “European Privacy Association”, an astroturf organisation closely linked to the US lobbying firm DCI Group.

In 2011, the press contact for the EPA was an individual with an @dcigroup.com email address. According to their own website, the DCI Group offers potential clients the service of recruiting “third parties” to “engage them for maximum impact”. According to the EPA website, membership costs 100 Euro for “fellows” and 10,000 Euro for corporations. Astonishingly, according to the EU Transparency Register entry, the EPA has no corporate members, but still has a budget of only 75,000 Euro - with which they manage to organise numerous events in the European Parliament, pay for a lobbying company, recruit an ex-Member of the European Parliament as chairwoman and have executive offices near the EU Parliament.

## Parliamentarians copy/paste industry proposals

The platform Lobbyplag.eu recently highlighted how opinions expressed by the likes of Amazon and eBay appeared to have been copied by MEPs who have put forward amendments to the European Parliament – to the detriment of European citizens and their fundamental rights to privacy and data protection. Especially industry proposals regarding the “legitimate interest” exception for data processing industry proposals have been copied – if adopted in the final text of the Regulation, this provision would completely undermine citizen's control of their own data and render the entire legislative measure close to meaningless.