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PRESS RELEASE

Data retention

EU e-communications industry regrets today EP vote, putting Europe's competitiveness and Information Society at stake

Brussels – E-communications services providers, through their trade associations¹, regret that members of the European Parliament did not support the amendments of the Parliament's own Civil Liberties, Justice and Home Affairs Committee by rejecting the Report of Mr. Alvaro MEP. In doing so, the Parliament has failed to take the opportunity to rectify a text that still raises major concerns about the technical feasibility and proportionality of proposed measures. Furthermore, despite strong protestations from MEPs that any Directive must aim towards a harmonisation of data retention measures, the text adopted today provides very little harmonisation.

Although the adopted text shows a better understanding than the original proposal of the technical issues related to traditional fixed and mobile telephony (unsuccessful calls, mobile location data), it fails to reflect the specificities of the Internet world and its global nature.

This directive will impose a significant burden on European e-communications industry, impacting on its competitiveness. However, only a fraction of the e-mail services used today would be covered by the EU Directive as the world largest e-mail providers are not in Europe, allowing criminals to easily circumvent the rules.

The industry is also dismayed by the flexibility given to Member States to increase requirements beyond those of the Directive at a national level as regards the categories of data to be retained, the retention periods to be applied and the types of crimes for which law enforcement authorities may request data.

The fact that no cost reimbursement is provided by the Directive means that Member States may not even be required to consider the proportionality of data retention requirements.

"Beyond their economic consequences, far reaching data retention obligations may also undermine Europeans' confidence in new technologies and thus slow further down ICT take up, putting at risks Europe's ICT sector competitiveness and hence the success of the Commission's i2010 initiative", added Industry representatives.

¹ ECCA (European Cable Communications Association), ECTA (European Competitive Telecommunications Association), ETNO (European Telecommunications Networks Operators' Association), EuroIsPa (European Internet Services Providers Association) and GSM Europe (European Interest Group for all European 2G and 3G Mobile Operators)

The contributors to this joint statement are:

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	<p>ETNO (the European Telecommunications Network Operators' Association - www.etno.be) is the voice of the European telecommunications network operators with over a decade of experience in shaping EU telecoms policy. The association represents 41 companies located in 34 European countries. They account for an aggregate annual turnover of more than 210 billion € and employ over one million people across Europe.</p>
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	<p>EuroISPA (the European Internet Services Providers Association - www.euroispa.org) is the world's largest association of Internet Service Providers, representing around 850 ISPs across the EU. EuroISPA is a major voice of the Internet industry on information society subjects such as cybercrime, data protection, e-commerce regulation, EU telecommunications law and safe use of the Internet. Its secretariat is located in Brussels.</p>
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	<p>GSM Europe (www.gsmeurope.org) is the European Interest Group of the GSM Association, the premier global body that supports the world's leading wireless communications system. The Association works to promote, enhance and protect the interests of the GSM mobile operator community worldwide. GSM Europe represents 143 operators in 50 countries/areas of Europe.</p>
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	<p>The European Cable Communications Association (ECCA) is the European trade association of cable operators and their national associations active in Europe. The main goal of the Association is to foster co-operation between cable operators and to promote and represent their interests at European and international level. ECCA members have between them more than 55 million subscribers.</p>
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