Council of the European Union: Amended Data Protection Draft Adopted

IRIS 2002-3:1/7

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On 28 January 2002, the Council of the European Union adopted a common position regarding the draft Directive concerning the processing of personal data and the protection of privacy in the electronic communications sector. The common position was already agreed on by the EU Telecoms Ministers on 6 December 2001 (see IRIS 2002-1: 5). Since the adopted proposal differs on various points from the one agreed on by the European Parliament, it was transferred to the Parliament for a second reading on 6 February 2002.

Compared to the position adopted by the European Parliament, the Council takes a more moderate approach towards information-gathering. Member States shall ensure that the user is clearly informed about the use of cookies and is offered the right to refuse processing ("opt-out"). With respect to unwanted commercial e-mail, the Council proposes an opt-in solution, whereas unsolicited e-mail concealing the identity of the sender is explicitly prohibited. Other unsolicited direct marketing communication may be regulated on an opt-in or opt-out basis.

Common position regarding the draft Directive concerning the processing of personal data and the protection of privacy in the electronic communications sector. Council of the European Union, Interinstitutional file 2000/0189 (COD), 29 January 2002

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