

The E-privacy regulations

facebook

Total expenditures of Facebook Ireland limited



Financial data



Financial year: 01/2019 - 12/2019

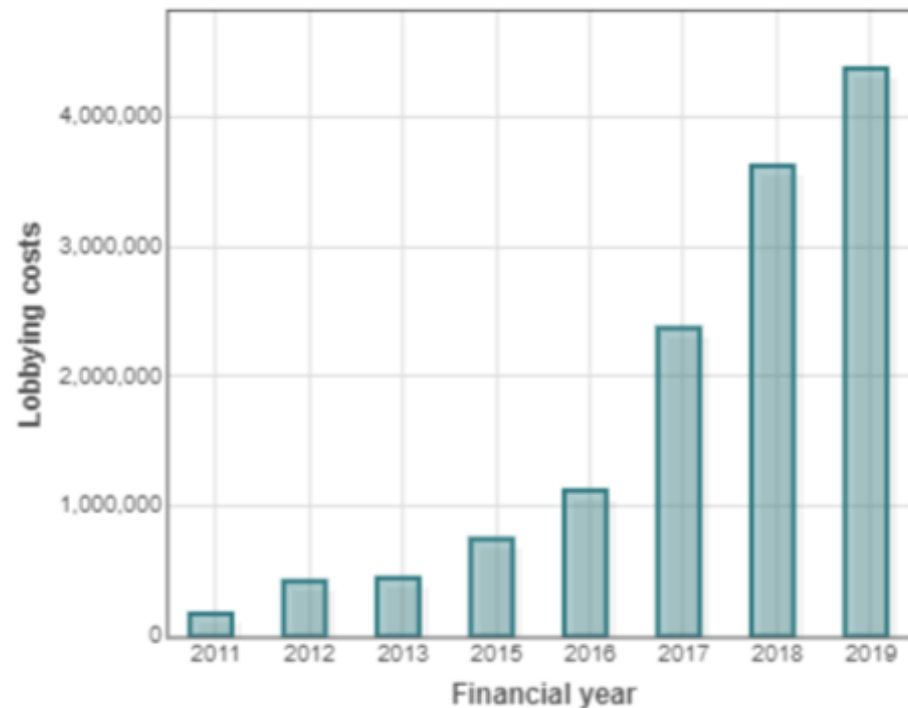
Estimate of the annual costs related to activities covered by the register: 4,250,000 € - 4,499,999 €

Most recent financial information about funding received from the EU institutions: No funding received from the EU institutions during the last closed financial year.

Other (financial) information provided by the organisation: Pursuant to the Implementing Guidelines, we have included in our overall reported expenses an estimate of our annual costs related to activities covered by the Register, including both direct and indirect lobbying. This includes staff costs, office and administrative expenses, in-house operational expenditures, and fees for outside consultants and trade associations.

Evolution of the expenditures

LOBBYING COSTS OVER THE YEARS:



Source: lobbyfacts.eu

Facebook total cost of lobbying has risen a lot from 2011 to 2019 as you can see in the graph.

It can be explained by the many threats of the new regulations that the EU wants to apply, particularly concerning the protection of the personal data.

Activities and person involved in-house lobbying

Specific activities covered by the Register

Main EU initiatives, policies and legislative files followed by the organisation:	Future of the Internet
	Data Protection
	Online Safety and Content Integrity
	Cybersecurity
	Protection of Minors
	Human Rights
	Internet Governance
	Internet Policy
	Telecommunications
	Media Regulation
	Intellectual Property and Licensing
	Digital Single Market
	eCommerce
	Innovation, Jobs and Growth
	Tax

Facebook is protecting itself in the EU on a large number of topics which could affect their business from the eCommerce to the Human Rights.

This is why Facebook is employing 13,8 person at full time and is also a member of many organisations/associations which are susceptible to act when they want to go against some regulations.

Number of persons involved in the activities described in the box above

Number of persons involved from the organisation expressed in % of working time:	100%: 6 75%: 4 50%: 4 25%: 11
Number of persons involved:	25
Full time equivalent (FTE):	13.8

Membership of any associations/(con)federations/networks or other bodies:

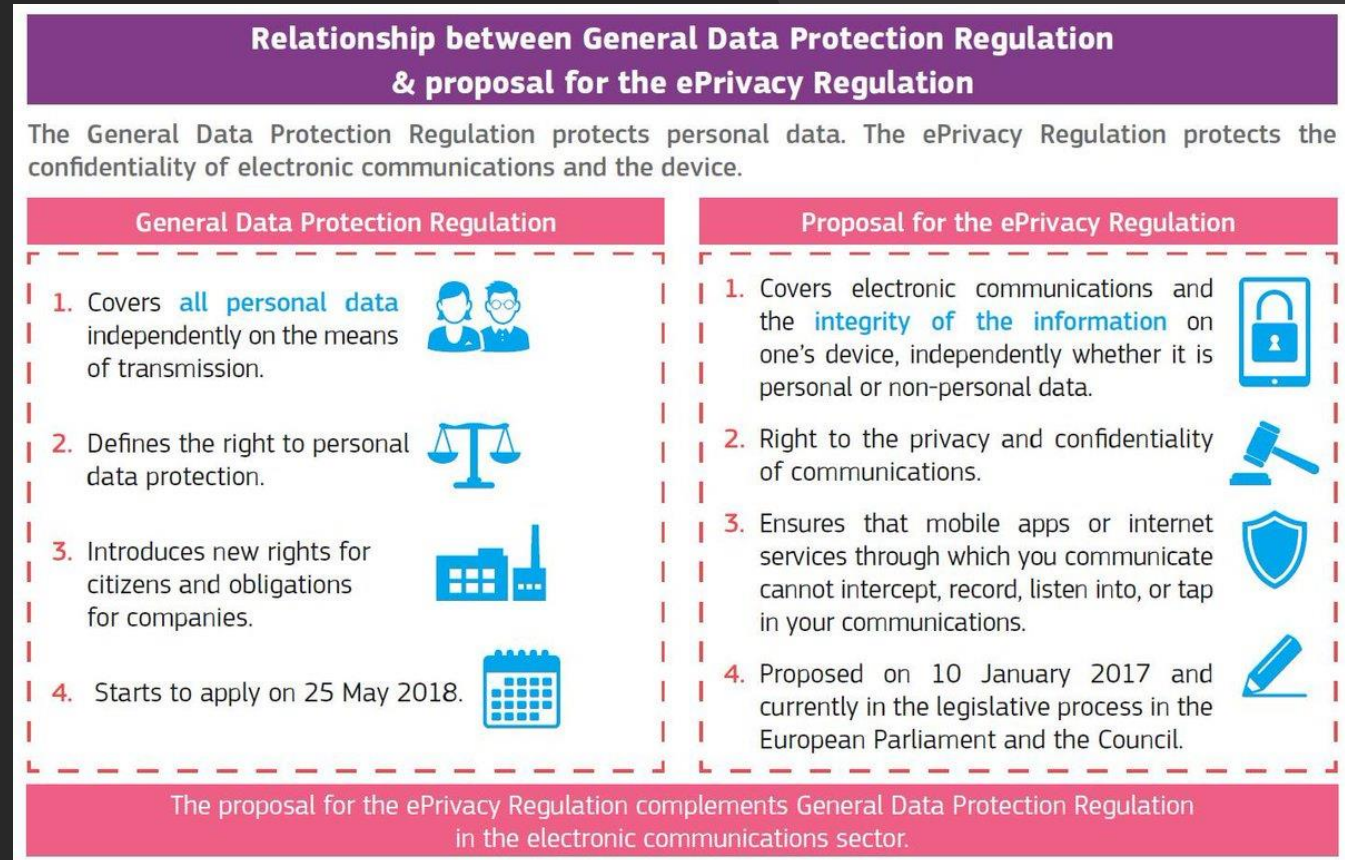
Facebook is a member of the following organisations:

- American Chamber of Commerce EU
- Application Developers Alliance
- British Chamber of Commerce
- Business Europe
- Computer and Communications Industry Association (CCIA)
- Digital Europe
- European Internet Services Providers Associations (EuroISPA)
- European Digital Media Association (EDIMA)
- European Internet Foundation (EIF)
- IAB Europe
- Information Technology Industry Council (ITI)

Source: europa.eu transparency register

The E-Privacy regulation

- E-Privacy is related to, but separated from, the EU's data protection rules (GDPR)
- E-Privacy is about ensuring the confidentiality of your online communications. by making sure that settings on new equipment, hardware, and software are designed and set at the highest privacy level 'by default'; and that consumers who refuse to be tracked cannot be banned from visiting particular websites (tracking walls).



The Problem For Facebook



Industry lobbyists want to continue monetizing users' online data



« The existing E-Privacy rules pre-date the massive growth of such platforms and browsers and the rules don't currently apply to them, which gives them and other so-called over-the-top (OTT) providers a competitive advantage. » (2017)



Facebook and other companies in this sector such as google want to keep this status but since the Facebook/Cambridge Analytica revelations, the EU started to prioritize policy about the online data privacy of the citizens and that could cut hugely their profit.

Actors of the of the lobbying

And theirs expenditures

We can notice that Facebook is being present in at least 3 of the organisations which participated

Lobby organisation	Members include...	Annual (self-declared) lobby spend
Computer and Communications Industry Association (CCIA)	Amazon, Facebook, Google, Intel, Mozilla, Uber...	€300,000 - €399,999 (2015)
DigitalEurope	Apple, Google, HP, IBM, Microsoft, Sony...	€1,900,000 (2016)
European Association of Communications Agencies (EACA)	DB Europe, McCann Erickson, Saatchi & Saatchi, Ogilvy...	Less than €9,999 (2015)
European Digital Media Association (EDiMA)	Apple, Ebay, Facebook, Google, LinkedIn, Microsoft, Twitter...	€100,000 - €199,999 (2015-16)
The European Interactive Digital Advertising Alliance (EDAA)	EACA, EMMA, ENPA, FEDMA, IAB Europe...	Less than €9,999 (2015)
European Magazine Media Association (EMMA)	National associations + Axel Springer, Hubert Burda Media, Roularta Media Group...	€400,000 - €499,999 (2016)
European Newspaper Publishers' Association (ENPA)	Not available	€340,000 (2016)
European Telecommunications Network Operators' Association (ETNO)	BT, Deutsche Telekom, Orange, Proximus, Telefónica...	€1,000,000 - €1,249,999 (2016)
Federation of European Direct and Interactive Marketing (FEDMA)	National associations + eGENTIC, Havas, Merkle...	€50,000 - €99,999 (2016)
GSMA Europe	Deutsche Telekom, Orange, Telecom Italia, Vodafone...	€1,000,000 - €1,249,999 (2016-17)
Interactive Advertising Bureau (IAB) Europe	IAB national associations + Atlas by Facebook, Google, Microsoft, United Internet Media...	€300,000 - €399,999 (2016)

What actions
were taken ?

Lobbyists target Member States on ePrivacy



**99 per
cent of the
lobbying
is from
industry**

**I cannot recall a
legislative proposal
that has attracted
this much lobbying**

**Highest
amount of
lobbying
ever seen**

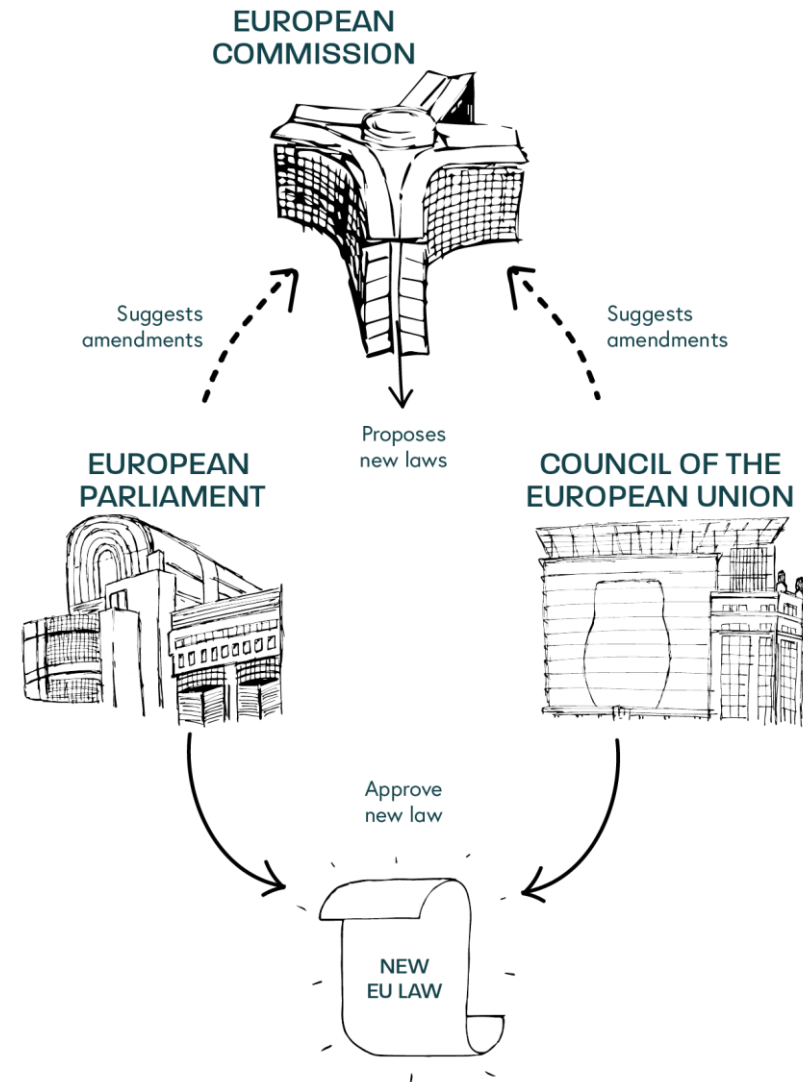
**The breadth
of lobbying has
been staggering**



A document from the Corporate Europe Observatory stating that this case has the highest amount of lobbying ever seen (2018)

What actions were taken ?

- The main action of the lobby were to focus their effort on the council to change the regulation.
- « Officials from the EU28's permanent representations in Brussels report that they cannot recall a legislative proposal that has attracted so much lobbying »



What actions
were taken ?



- Fleishman-Hillard's "Like a bad movie" campaign
- They even made a video campaign sought to scare MEPs into opposing tough E-Privacy regulation

How did it end ?



The lobby groups demanded the full deletion of Article 10 on privacy settings.



“Instead of a requirement to decide about privacy settings when installing new software, users would only be reminded of the availability of such options.”



“Other problematic elements in the May 2018 paper included the possibility to lose access to a site if a user refuses to accept a tracking cookie (ie. by creating a tracking wall)”



Facebook and the other companies succeeded in removing the Article 10, but the E-Privacy regulation do not stop at only one point many regulations still passed.

Conclusion

- As i learned with this case, corporate companies such as Facebook, Google or Microsoft can use their enormous amount of ressources to control to some extent the policy of the entire Eurozone which is quite frightening.
- In the case that I was studying, at first some sondage were made:
« Public opinion backs such approaches: in the Commission's consultation on ePrivacy, 81% of individuals who responded demanded 'privacy by default' settings to be activated on all new IT equipment. According to a Eurobarometer survey, 89% of its respondents agreed with that suggestion.
»
- To know that foreign companies which are not all even from the EU have this much power over the European Commission is not a good thing. This is corrupting the purpose of lobbying and of the European Commission.
- This case-study was very interesting and eye-opening over the decision process of the new regulations in the EU