**FEBIS Regulatory Committee conference call 27.11.2018**

**Minutes of the conference call**

**Attendants:**

 - Luis Carmona, Informa

 - Bernie Grady, Experian

 - Nathalie Gianese, Informa

 - Stephanie Verilhac Marzin, FEBIS/SVM consult

 - Matteo Marconi, CRIF

 - Claire Fritz, Ellisphere

 - Mark Preston, DnB

 - Axel Bysikiewiecz, SCHUFA

 - Georg Hittmair, Compass

 - Daniel Francis Morin, FEBIS

**Agenda:**

1. PSI update

2. Update on the current e-privacy directive / future regulation

3. XBRL call

4. GDPR claims

**1. PSI update**

Stephanie reminded the participants that the PSI dossier was going fast both in the EP and in the Council. In the European Parliament the vote in ITRE Committee is scheduled for December 3rd and at the Council, the Austrian Presidency want to discuss this item on Dec 4th; they try to reach a common solution and move swiftly to the Trilogue before December end.

Georg confirms.

Issue is that Trilogue discussion, based on Parliament proposal, being behind closed doors we have no room for manoeuvre while HDVS – GDPR points are of highest importance for us.

Claire mentions that Council will not have to deal with HVDS, this matter being treated under implementing act and not delegated act procedure. In France authorities are afraid by these HVDS being “free of charge”… Also in the annex from IMCO dealing with Trade Registers, the mention of Balance sheets disappears…

Stephanie believes it comes from SME United lobbying action against any publication of companies’ figures (financials). As well she recommends FEBIS to set also its priorities, as it won’t be possible to discuss each and every point. Trilogue gathers Parliament-Commission-Council and they won’t address issues point by point. We can push our ideas to Parliament and Commission and in the best case we will have a list included in the Directive. Otherwise discussing each type of DS without a list would lead to be at hand of the Commission deciding via implementing act and we will be in the worse position.

So we must push our messages in a consistent way on sole traders, GDPR and PSI harmonization + the overall benefit for the whole society to get access to enterprise information. There should not be too much time for other points (see ITRE final report basis for Trilogue discussion). Georg being invited to the discussion on Dec 12th (but not 13th) and being in possession of FEBIS position paper will try to push again all these ideas…

**2. Update on the current e-privacy directive / future regulation**

Stephanie sent a memo on the draft e-privacy regulation, (see attachment) and made some comments during the call.



Parliament adopted its report in October 2017 enshrining whole Privacy act, it stood on the tough line asking for more consent, addressing electronic communication and Meta Data. The scope is clearly BIG systems encompassing Data, communication and Meta Data; BPI seems not really in the scope of such project.

Art 8 and 10 address technical settings and cookies agreement, usage of email address and current horrible “cookie box”…and there is not yet consensus on Art 10 (Austrian negative position)

Art 16 on direct marketing approach requires users agreement (unless already involved into customer-supplier relationship) as well as a clear cut for direct marketing. For example mkg calls should be recognizable thanks to specific prefix numbers while blocking lists should be easy to join. Consent would be the rule and opt in systems preferred to opt out!

Mark confirms that current Directive not being consistent across MKG issues, it is a mess around Europe with each MS deciding on way to go.

Art 15 on directories is pushing for an opt in procedure; however a blunt application would “a priori” expel sole entrepreneurs from business directories as they would have to explicitly “opt in” to be mentioned!

Regarding the process itself; Stephanie note recalls the difficulty to find a common position. France and Germany were against Austrian Presidency proposal for several reasons and finally only a progress report will be discussed next Dec 4th during the Telecom council. Then Romania will take the Presidency but won’t be likely in a position to solve the issues and on top of that the next European elections (May 19) will freeze all the process until next autumn.

Luis asked if e-privacy could be used to push to get the data of executives and Stepahnei recalls that on the contrary it is very important to differentiate the use of data for business information purposes from the use of data for direct marketing purposes as for the latter opt-in regimes would probably prevail.

Stephanie confirms that for art 16 we have to wait for Trilogue decisions as legitimate interest defined by GDPR seems a bit tricky applied to direct marketing; however electronic commerce services are not directly related to BI.

**3. XBRL call**

Stephanie hold a call with Thomas Verdin, who chairs XBRL Europe “Business Registers Networking Group” and is willing to cooperate with FEBIS in the coming months. Would be good inviting him to a FEBIS meeting and develop a new cooperation axis.

**4. GDPR claims**

Claire has been invited to the next meeting and Stephanie asks if any comment comes from the group especially from UK? Bernie to react soon..

Last point the agenda of the meeting on Public Reporting will focus on the accounting Directive (dixit our contact at XBRL Europe)

End of the meeting