

MEDIA RELEASE

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Industry group calls on competition authorities to consider privacy issues when applying antitrust law

ICOMP, an industry initiative for organisations and businesses involved in Internet commerce, today called on European and national competition authorities to consider privacy issues when applying antitrust law. It was responding to concerns from consumers, businesses and regulators that personal data collected online, often without the users' knowledge or consent is being used by some companies to gain an unfair competitive advantage.

Speaking at a one-day conference in Brussels on the occasion of ICOMP's first anniversary, ICOMP Director Auke Haagsma said: "Regulators should help create a level playing field on which companies can compete to continuously improve their privacy practices. Competition rules can and should be applied to companies that, by reducing European citizens' right to privacy, abuse their dominant position."

Delivering the keynote address, Professor Peter Swire of the Moritz College of Law at Ohio State University, a former Privacy Counsel in President Bill Clinton's administration, stated: "Where mergers or dominant firm behaviour create significant effects on customers, including in their use of customer data, then those effects should be considered under antitrust law."

David Wood, ICOMP's Legal Counsel and a partner with Gibson, Dunn & Crutcher, commented: "Data protection and competition policy are both about protecting consumers. It is important to find ways to apply them in a joined-up way. Some of the most interesting and controversial aspects of competition policy are the ways in which it overlaps with other policies such as data protection and intellectual property. Best practices in relation to data protection require informed consumers, wise regulation and effective enforcement."

The conference, which was open to the public, brought together representatives from the European institutions, national data protection authorities, consumer and privacy groups and law firms specialising in competition issues. Speakers included Sophie in 't Veld MEP; Jackie Minor, European Commission Director for Consumer affairs; Philippe Renaudière, European Commission Data Protection Officer; Javier Celaya, founder of ICOMP member company dosdoce.com; Kirsten Bock, Head of European Privacy Certification at the Independent Centre for Privacy Protection in Schleswig Holstein, Germany; and Andres Font Galarza, an antitrust and competition lawyer with Mayer Brown LLP.

ICOMP is an industry initiative for organisations and businesses involved in Internet commerce, particularly online publishers, advertisers, Internet service and network providers, and agencies active in online advertising. More than 40 companies, trade associations, consumer organisations and individuals have endorsed ICOMP's principles. These members represent 14 countries across Europe, North America and the Middle East. Microsoft is ICOMP's sponsor. Burson-Marsteller acts as its Secretariat, and Lord Alan Watson is ICOMP's first Chairman.

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