EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2024/0159/DE (Germany)

Ordinance on Consent Management Services under the Telecommunications Telemedia Data Protection Act – Consent Management Ordinance (EinwV)

Date received : 21/03/2024
End of Standstill : 24/06/2024

Message

Message 001

Communication from the Commission - TRIS/(2024) 0790

Directive (EU) 2015/1535

Notification: 2024/0159/DE

Notification of a draft text from a Member State

Notification – Notification – Notifzierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéseket - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20240790.EN

1. MSG 001 IND 2024 0159 DE EN 21-03-2024 DE NOTIF

2. Germany

3A. Bundesministerium für Wirtschaft und Energie, Referat E B 3

3B. Bundesministerium für Digitales und Verkehr, Referat DP 25 (Datenschutz und Cybersicherheit in der Digitalen Welt, Vertrauensdienste, Digitale Identitäten)

4. 2024/0159/DE - SERV60 - Internet services

5. Ordinance on Consent Management Services under the Telecommunications Telemedia Data Protection Act – Consent Management Ordinance (EinwV)

6. The Ordinance concerns information society services that provide end-users' consent to cookies or similar tracking technologies. It regulates the conditions for recognised consent management services that monitor consent

7.

8. The draft regulation regulates the requirements for recognised consent management services, their recognition and their interaction with telemedia (digital services)* and software for accessing and displaying information from the internet (usually browser software). Recognised consent management service can be any telemedia service or information technology application that is managed and recognised for the end user settings for consent pursuant to § 25 Telecommunications Telemedia Data Protection Act (TTDSG). The Ordinance contains general provisions on the scope and definitions, the substantive requirements for consent management services that they must fulfil in order to be recognised, the procedure for recognition by the Federal Commissioner for Data Protection and Freedom of Information, and measures to be taken by browser software and telemedia providers when they voluntarily engage a recognised service for the administration of consent.

*Note: the Act currently under discussion implementing Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC and implementing Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services and amending further laws replaces the concept of telemedia by the concept of digital services and also amends the Telecommunications Telemedia Data Protection Act accordingly. The draft ordinance will be adapted editorially accordingly after the entry into force of the new provisions.

9. This is a statutory ordinance on the basis of § 26 Telecommunications Telemedia Data Protection Act (TTDSG), which authorises the Federal Government to regulate provisions for a user-friendly and competitive procedure for consent to cookies, etc. through recognised consent management services. The draft is necessary to implement this authorisation basis.

10. Reference to the basic texts: No basic text available

11. No

12.

13. No

14. No

15. No

16.
TBT aspects: No

SPS aspects: No

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