Session Title: ePrivacy in the EU: The State of Play
Panel Members: Colleen Brown, Sidley Austin; Peter Fatelnig, Delegation of the European Union to the United States; Kai Westerwelle, Bird & Bird
Date: Thursday, April 4
Time: 11:30 a.m.-12:30 p.m.
Session: 3 Room: 308

- ePrivacy Directive
  - What is the ePrivacy Directive and what does it/might it require?
  - What is the status? Procedurally? Politically?
  - There is no ePrivacy Directive yet--will there even be one?

- ePrivacy Directive and Consent
  - How should we think about consent between ePrivacy and GDPR?
    - Consent under the GDPR
      - Requirements
      - GDPR consent requirements still in flux?
    - Consent under the ePrivacy Directive
    - How could ePrivacy Directive change consent requirements?
    - Practical Applications: Why can’t you just do one consent?

- CNIL Google Enforcement
  - The case and investigation
  - The determination of violations
  - The implications
    - Transparency is necessary for consent.
      - Layered, detailed, best in class—what more do they want?
    - DPAs and One Stop Shop
      - CNIL instead of Ireland? How did we get here?
      - Is there a one stop shop anymore?

- The War on Marketing
  - Is online behavioral targeting unlawful?
    - German DPAs commentary, IAB EU Commentary
  - Can interest-based profiling survive current trends?
  - What about the CCPA?
  - ePrivacy Directive Opt-In Requirements in a Marketing Context
    - What exceptions will persist? (B2B exemption? Ongoing Business Relationships?)