



AMERICAN CHAMBER OF COMMERCE IN BULGARIA

Summary of Minutes of Meeting

Subject: AmCham Digital Working Group Meeting

Date: November 29th, 2017

Venue: American Corner Sofia, Sofia City Library

Participants:

Name	Company	Posion
Boryana Petrishka	Abrates	Jurist
Iva Pavlova	American Chamber of Commerce in Bulgaria	Committee Manager
Nadia Lazarova	American Chamber of Commerce in Bulgaria	Policy and Legislative Advisor
Jonathan Guennoc	Bulpros	Engagement Manager
Nikola Stoychev	Dimitrov, Petrov & Co.	Lawyer
Lyuben Todev	Dobrev & Lyutskanov Law Firm	Associate, Attorney-at-Law
Iva Todorova	IBM Bulgaria	Government and Regulatory Affairs Executive/Committee Co-chair
Konstantin Zografov	Industrial Holding Bulgaria	Deputy Chairman of Supervisory Board
Maya Boycheva-Manolcheva	International Cyber Investigation Training Academy	Project and PR Manager
Dimitar Bahchedzhiev	Intertek BA	RCA Operations and Inspection Manager, Certification Coordinator
Zahari Naumov	Kambourov and Partners Attorneys at Law	Associate
Mario Karabistanov	Kambourov and Partners Attorneys at Law	Associate, TMT
Denitsa Kozhuharova	Law and Internet Foundation	Legal Projects Expert
Ivan Hadjov	Mastercard Europe SA	Business Development Manager
Silvia Hadzhiyaneva	Mastercard Europe SA	Head of Public Policy Balkans
Vihren Slavchev	Mnemonic	CEO
Nikolay Cvetanov	Penkov, Markov & Partners	Partner
Lora Georgieva	Penkov, Markov & Partners	Jurist
Iliya Krastev	SAP Bulgaria EOOD	Sales Executive Platform Solutions
Zhulieta Mandazhieva	Tocheva & Mandazhieva Law Office	Partner
Tanya Tocheva	Tocheva & Mandazhieva Law Office	Attorney at Law
Tonya Hancock	U.S. Embassy	Political/Economic Section
Stanislava Dimitrova	US Commercial Service	Senior Commercial Specialist
Diana Stefanova	VMware Bulgaria EOOD	Managing Site Director, Bulgaria and EMEA R&D

Main points of discussion:

The purpose of the meeting was to review some main files from the EU Digital Single Market initiative which would be in the focus of the Bulgarian Presidency of the Council of EU 2018, i.e. the proposals for ePrivacy Regulation and Free flow of non-personal data, and discuss how AmCham can support and provide input to the legislative process at national level. It is expected that Bulgaria will close these dossiers, however, many member states have objections on main provisions therein. The business should actively support the government for the advancement of these dossiers. Bulgaria has developed national positions which are generally in favor of the business (e.g. on free-flow of data). Nevertheless, the legislative process should be monitored to make sure it goes in line with the interest of the business.

Committee Co-chair Iva Todorova, IBM Bulgaria, briefed the attendees on her meeting with representatives of the Ministry of Transport, Information Technology and Communications, held together with delegates from DigitalEurope to discuss issues related to the proposal for ePrivacy Regulation, i.e. duplications with GDPR, specific articles that impose more burdens on the business, etc. DigitalEurope's position is in line with the concerns of other business organizations. The position of the Ministry was that they would not rush into closing the file, but will rather concentrate on the quality of the legislation and would seek compromises on the controversial articles during the negotiations. Bulgaria is a strong proponent for the Free flow of data as the backbone of the Digital Single Market.

AmCham has started dialogue with Tomislav Donchev, Deputy Prime Minister, and Lilyana Pavlova, Minister of the Bulgarian Presidency of the Council of the EU 2018, about the establishment of a consultative body with experts from the business in relation to the Bulgarian Presidency and the digital agenda. In addition, the Chamber has taken action to sign a Memorandum of Understanding (MoU) for cooperation with the Bulgarian Association of Software Companies (BASSCOM) to develop policy proposals on the Digital Single Market's dossiers to be negotiated and/or concluded within and beyond the Bulgarian Presidency of the Council of the EU 2018. VMware Bulgaria would support AmCham in this course of actions. The MoU is expected to be finalized and coordinated with BASSCOM by January 2018.

AmCham EU has been very active in relation to the proposals for ePrivacy Regulation and Free flow of non-personal data and is seeking support for their efforts at national level from local AmChams in Europe.

The proposed plan is to draft AmCham Bulgaria position paper, based on existing documents of AmCham EU, DigitalEurope and other organizations working on these specific files, endorsing the national position in favor of Free flow of non-personal data and pointing out the specific provisions of the ePrivacy Regulation that the business disagrees with.

It is suggested that AmCham should also **express opinion in relation to Digital Taxation**. The Digital Working Group and the Tax and Finance Committee could work together on a joint statement due end of January-beginning of February 2018.

Members make the following comments and suggestions:

- **Mastercard** has been very active in relation to GDPR and the proposal for ePrivacy Regulation at EU level and promised to share comments and internally approved statements with the members of the working group. To streamline the process, they suggested that the AmCham team and Committee Co-chairs should work on a basic draft position to be distributed to the members of the working group for comments.
- In the first place, the main business arguments underlying the position must be in place, and only then a legal position can be formulated.
- **Kambourov and Partners Attorneys at Law** have worked on the discussed legislative files at EU level and promised to share input with the members of the working group.
- **SIA International** are currently working on a position on the discussed files with special focus on security and intelligence which they are willing to share with the members of the working group as soon as it is ready.
- It is expected that in the following weeks the Ministry of Interior will publish a Draft Act for amendment and supplement of the Personal Data Protection Act for the implementation of GDPR. AmCham should take active part in the public consultation.
- Use the position of AmCham EU and DigitalEurope, as well as the feedback from the members as a stepping stone to develop specific policy proposals to be presented to the local authorities and then proceed to drafting a national position.
- A representative of **Dobrev & Lyutskanov Law Firm** suggested adding some moderation to the position of AmCham EU regarding the allowed types of M2M communication, software updates and use of metadata for protection. It is important to have digital market companies share their concerns on the subject as well.
- Representatives of **Tocheva & Mandazhieva Law Office** suggested that a very comprehensive analysis must be made, especially in the area of interplay between GDPR and the proposed ePrivacy Regulation, and that we should focus on what is still negotiable.