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Internet Access

EU: No time limit on roaming

- According to the European Commission draft **implementing regulation** made public on 21 September, there will be **no time or volume limits on roaming**. Telecom providers will be able to address signs of user abuse to national regulators - which could eventually lead to the imposition of additional fees. In parallel, consumers will be able to dispute charges they consider unjustified.
- Before roaming charges are abolished, Member States and MEPs will have to agree on how companies charge each other when consumers travel across networks. Negotiations on wholesale roaming fees should be finalised by June 2017.
- The challenge now lies in determining what constitutes "fair use" and "abuse" by consumers. The European Parliament's Industry, Research and Energy (ITRE) Committee will discuss the issue on 26 September.
- BEREC – the EU telecoms regulator - will then review and deliver its evaluation **by 15 October**.

EU: TiSA may endanger EU privacy rights

- Greenpeace Netherlands released a **leaked version** of the Trade in Services Agreement (TISA) on 20 September, which include an **annex on electronic commerce**. Parts of the text touched upon Internet governance which digital right campaigners' assert would threaten privacy rights in the EU.
- The trade deal was discussed in Geneva this week. The **European digital rights association** (EDRi) considered the agreement a threat to security and privacy online as well as the principle of non-discriminatory Internet access. Digital rights advocacy group **Access Now** referred to the secrecy of the discussions as being part of a "broken system".
- TiSA was expected to be concluded by 2016 – but to date, no chapter has been concluded. The telecoms chapter remains one of the most controversial, having shifted from a ban on foreign equity caps on telecommunication companies to a list of non-binding market access criteria. The EU's position on data flows has not yet been decided. The next round of negotiations will take place in October.

EU: Free Flow of Data workshop seeks stakeholders' views

- On 21 and 22 September, the European Commission hosted a **workshop aiming to shape the initiative on Free Flow of Data.** The Commission is expected to **publish** a legislative proposal on 30 November, aiming to remove unjustified data location restrictions, as well as a Communication on the emerging issues of data ownership, access and liability.
- Topics discussed during the two-day workshop included data ownership, value of data and whether the Commission should legislation on such areas; liability and data, with robotics and autonomous cars as focal points.

Trust

EU: New "digital clearing house" to address interplay between data and competition

- The European Data Protection Supervisor will publish a report later this month recommending the establishment of a **"digital clearing house".** The aim is to set up a platform that brings together regulators from diverse disciplines (consumer, competition, data protection) to exchange views on trends and assess potential regulatory breaches in digital markets.
- European Commission officials are assessing potential changes that could be introduced to the notification threshold for mergers. There are concerns that the present system risks overlooking deals having an impact on the internal market – such as those involving technology companies with low turnover but high valuation, due to commercially valuable data.

EU: Export of surveillance software and encryption tools postponed

- The publication of the **regulations for the export of surveillance software and encryption tools** has been delayed until **28 September**.
- Export controls will cover "dual-use technology", i.e. software used for civil purposes that can be utilised for military or security uses. The draft regulation will include protections to ensure the technology is not used to violate human rights, including privacy and freedom of expression.
- Concerns have been voiced by industry that the draft is overly strict and will prevent companies from expanding outside of Europe. They also fear the export of encryption software will become more difficult.

EU: Google opposes global application of "right to be forgotten"

- Google announced its intention to **oppose the order forcing Google to extend the "right to be forgotten" online to all of its domain names**, as requested by the French privacy watchdog Commission National de l'Information et des Libertés (CNIL).
- Google's Global Privacy Counsel, Peter Fleischer, noted the case raises "a fundamental question of Internet jurisprudence". Fleischer predicted the ruling will have a major impact on legal systems governing the Internet.
- Google claimed that the "right to be forgotten" applied only to its European sites. In March 2016, Google was **fined** €100,000 by CNIL for failing to delist links across all of its domains.
- The issue at stake is whether the "right to be forgotten" can be applied globally and - if so - the legal basis underpinning it. The case will be heard before the French State Council on 2 December 2016.

EU: Facebook expands program to fight online hate-speech

- The **Online Civil Courage Initiative** will offer free advertising, as well as marketing advice, to online activists fighting against online hate speech. The project will expand from a pilot phase focused on Germany, France and the UK.
- Sheryl Sandberg, Chief Operating Officer of Facebook, explained this initiative will enable Facebook to better understand and respond to the challenges of extremism on the internet.

Germany: WhatsApp warned on privacy policy

- The Federation of German Consumer Organisations (VZBV) sent a **warning** to WhatsApp, requesting they cease plans relating to data transfers to its parent company, Facebook. VZBZ gave WhatsApp until 21 September to issue a response – by when WhatsApp had declined to answer.

EU: Survey reveals new malware attacks occur on average every four seconds

- A new **report** by cyber research firm Check Point reveals a nine-fold rise in malicious software – to the extent that attacks occur every four seconds.
- Employees are at the highest ever risk of installing malicious software onto enterprise network – and the study noted organisations' security is lagging behind.

Global: Yahoo hack affects 500 million users

- In a statement issued on 22 September, Yahoo communicated the personal information of at least **500 million users had been stolen** in an attack on its accounts from 2014. The attacker was a "state-sponsored actor" and the information gathered includes names, e-mail addresses, phone numbers, dates of birth, encrypted passwords and even un-encrypted security questions and answers.

Other

Netherlands: Study launched into online video market

- The Dutch Authority for Consumers and Markets (ACM) will initiate a **study into online platforms streaming videos and movies.** Among the companies addressed will be YouTube, Facebook, as well as Dutch platforms NL-ziet and Dumpert.
- The study will analyse the platforms themselves, their business models and that of related companies (media agencies, digital marketplaces, producers of content). The study will also address online consumers. Initial results are expected by the end of 2016.