

ISOC European Regional Bureau Newsletter

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Internet Access

EU: Virtual network operators warn of risk of high wholesale roaming costs

- At the **Mobile Virtual Network Operator (MVNOs) Networking Congress** of 1-2 November, small virtual wireless companies expressed their wish **for the EU to lower wholesale roaming costs to a minimum** to allow the EU to globally compete and innovate on services. They expressed the view that the proposed ban of roaming charges for customers could lead to a distortion of competition.
- The warning came as Member States and legislators are in the process of revising the maximum tariffs operators may charge each other when their customers access the Internet in another EU state. This comes in the light of the ban on retail mobile roaming surcharges planned for next June 2017.
- The European Parliament industry committee (ITRE) is due to reach an agreement on the wholesale rates on 29 November.

Germany: YouTube signs licensing agreement for musical works under copyright protection

- After a seven year stand-off, **YouTube has signed a licensing agreement** with **GEMA** - the German rights body representing musicians, composers and publishers. GEMA's membership of 70,000 music authors and publishers will be remunerated for the exploitation of works protected under copyright. Payments will now be made but neither side has disclosed the terms.
- Clips containing GEMA-protected tracks can now contain adverts to recompense the authors. Red banners which have thus far prevented thousands of YouTube clips from being played in Germany have been removed.
- GEMA noted disagreement remains over whether YouTube or the person uploading the clip remains ultimately responsible for licensing the music.

EU: Wi-Fi Internet access on short-haul flights

- **International Consolidated Airlines Group (IAG)** - whose subsidiaries include Aer Lingus, British Airways, IAG Cargo, Iberia and Vueling - **will provide Wi-Fi during flights** from 2017. IAG announced that up to 341 of its planes would be fitted with Wi-Fi technology provided by satellite communications firm Inmarsat. It has yet to be determined whether passengers will be charged to access the service.

EU: Mobile web use overtakes desktop

- A **study** by the web analytics firm StatCounter revealed that **mobile devices are used more than traditional computers for web browsing**.
- The results showed that desktop web browsing traffic had decreased steadily since 2009 and represented 48.7 per cent of all web browsing; in contrast, global mobile and tablet browsing accounted for 51.3 per cent of all web browsing.

- Chief executive of StatCounter, Aodhan Cullen, noted this should be a reminder for small businesses, traders and professionals to ensure their websites are mobile friendly.
- Despite this trend, desktop browsing predominates in some parts of the world – including the UK (55.6 per cent of browsing), the US (58 per cent) and Australia (55.1 per cent).

EU: Commission report on monitoring methodologies for web accessibility in the EU

- The European Commission published a study on the various **methodologies used to monitor the accessibility of websites in the EU**. It supports the implementation of the Web Accessibility Directive and introduces recommendations on methodologies employed for the monitoring of websites.
- On 26 October the European Parliament approved the Directive making public sector websites and mobile apps more accessible. It covers websites and mobile applications of public sector bodies with a limited number of exceptions. It also refers to the standards to make websites and mobile applications more accessible and addresses the need for regular monitoring and reporting from public sector websites and mobile applications by Member States.

EU: Google dismisses Commission allegations over its shopping service

- **Google responded to the European Commission's renewed statement of objections** against Google Shopping by dismissing allegations on the basis of being **wrong on the facts, the law and the economics**.
- In a 100-page long response to the Commission, Google explained the Shopping service - which appears as a tab within search results and adverts - was a result of its intention to present users with useful information and direct answers to questions. Google also argued the exclusion from the case of retailers such as Amazon and eBay was flawed since they also competed with price comparison.
- The Commission filed charges against Google in April 2015 obtaining a response later that year. The new case concerning Google Shopping is based upon allegations that the market dominance of Google is used to leverage its price comparison service to the detriment of third-party sites. The charges were filed in July 2016.

Trust

EU: Second legal challenge to EU-U.S. Privacy Shield

- **French privacy advocacy group La Quadrature du Net, non-profit Internet service provider French Data Network and its Federation FDN industry association challenged the validity of the recently adopted EU-US digital data transfer agreement Privacy Shield**, before the General Court of the European Court of Justice.
- The challengers called for the pact to be annulled, on the grounds that the US ombudsman does not provide effective mechanism for handling complaints and that measures to control US surveillance are inadequate.
- More than 500 companies have so far signed up to the Privacy Shield, with over 1,000 more being processed by the US Department of Commerce.
- A **first legal challenge** was filed on 27 October by the privacy advocacy group **Digital Rights Ireland**. They challenged the adoption of the pact by the European Commission and asked for the annulment of the deal that began functioning on 15 September.

EU: Article 29 Working Party statement on EU-U.S Privacy Shield

- The Article 29 Working Party (WP29) recognised the **importance of the EU-US umbrella agreement** and its role in complementing pre-existing laws. It will forge a data protection standard for future agreements concluded in this field.
- Nonetheless, the statement sought clarification on certain areas of the agreement, particularly on how the Agreement **complies with** Articles 7 and 8 of the European Charter of Fundamental Rights.
- WP29 recommended requesting additional assurances from the US confirming the **scope of redress rights** granted to data subjects in the EU through the Judicial Redress Act.
- In addition, WP29 published a press release regarding content of the letters it sent to Yahoo! and WhatsApp on 27 October.
- **WhatsApp** was asked to communicate all relevant information on the updated terms of service and privacy policy to the Working Party and urged to put an end to the sharing of users' data until the appropriate legal protections are in place.
- **Yahoo!** was requested to communicate all aspects of the 2014 data breach; and of the scanning of customer emails on behalf of the US intelligence services. Yahoo! was recommended to notify concerned users of the adverse effects and cooperate with national data protection authority enquiries

Germany: Over 500 companies under scrutiny in spite privacy concerns

- Privacy watchdogs in ten German states made a random **selection of 500 companies of different sizes in various sectors to launch an in-depth probe if the audit reveals citizens' private information is not appropriately protected.**
- Regulators have not yet revealed what companies will be target but will cover 11 industries. Internet companies such as Facebook and WhatsApp are already closely followed in the country over their handling of personal information.
- Companies will receive requests to provide information on the products and services they provide. They will also have to declare the legal basis upon which they carry out data transfers to countries outside the EU.

Global: Firefox loophole disabled

- **Firefox disables the feature Battery Status API** which allows websites to request information about the capacity of the visitor's device. The decision was taken by Mozilla Firefox after research showed the feature could be used to track browsers. The feature aimed to allow websites to offer less energy-intensive versions of their websites to visitors with little battery power left.
- One year and five months after investigations started on how easy it was to abuse the feature to track browsing on the Internet, Mozilla Firefox decided to remove the functionality from the program on 27 October.
- Mozilla is so far the only browser vendor to have removed the Battery Status API. Others however have taken note of the same problems. Developers of Webkit, the open-source browser on which Apple's Safari is based, have also proposed to remove the feature from their project. However, unlike Firefox, Safari never shipped the API to end users.

Global: Inventor of world wide web warns of danger of unprotected open data

- Sir Tim Berners-Lee explains hackers could cause major disruption with open economic or traffic data. Entire cities could be disabled by disrupting traffic data, for example.
- Both Sir Time Berners-Lee and Prof Sir Nigel Shadbolt, founders of the Open Data Institute (ODI), are leading campaigners for publicly accessible data. However they warn that the potential for interference of those datasets, if not properly protection, has been largely overlooked. They both called for open data to be thought of as **vital public infrastructure in need of further protection.**

UK: Presentation of the National Cyber Security Strategy 2016-2021

- The government presented its five-year security **strategy** that will aim to make the UK one of the most secure places for companies to invest in cyberspace.
- The plan contains policies around **defense against threats, deterrence of hostile actions against the UK and the development of the cyber security industry** through enhanced cyber security skills and a robust scientific research base. Cybersecurity is considered a tier 1 threat to the UK's economic and national security.
- At the heart of the strategy lies the creation of a new **National Cyber Security Centre (NCSC)**, a centre of excellence responsible for coordinating the national cyber effort. It will serve as a source of advice and support for the private and public sector.
- The plan will be accomplished through a partnership between the government and the Devolved Administrations, the wider public sector, industry, academia and the public. It will be supported by the €2.1bn National Cyber Security Programme.

Other

EU: Georgieva World Bank may impact digital portfolio

- European Commission Vice-President for Budget and Human Resources Kristalina Georgieva will be leaving her position at the end of December to assume her new role as chief executive of the World Bank.
- Commissioner Günther Oettinger, in charge of Digital Economy & Society, will take over Georgieva's responsibilities. It is widely expected – though not confirmed officially – that he will lose his digital portfolio.