

European Regional Bureau Newsletter



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Internet Access

EU: BEREC Chair urges consistent implementation of net neutrality rules

- In July, at the Digital-born Media Carnival in Montenegro, the Chair of the Body of European Regulators for Electronic Communications (BEREC), Sebastien Soriano, [claimed](#) that European rules on net neutrality “cannot be rebutted anymore”.
- Mr Soriano described Europe’s net neutrality rules as a great asset and said he was “relieved that Net Neutrality is a common good in Europe”. He said that it was up to BEREC and the National Regulatory Authorities (NRAs) to ensure the successful implementation of net neutrality rules and emphasised the need for “coordination on a day-to-day basis” in order to achieve this.
- He described the responsibilities that NRAs have regarding net neutrality and the coercive measures they can take in order to ensure compliance.

EU: BusinessEurope’s letter to ITRE MEPs on the European Electronic Communications Code

- On July 28, Markus J. Beyrer, Director General of BusinessEurope, the Confederation of European Business, [sent a letter](#) to the members of the European Parliament Committee on Industry, Research and Energy (ITRE). These MEPs are responsible for drafting the Parliament’s position on the European Electronic Communications Code (EECC), the updated framework for EU’s telecom companies.
- The letter emphasises the “massive investments” required from the private sector in order to achieve the Commission’s connectivity targets for 2025.
- It claims that in order for this to be achieved, the co-legislators must “improve the current proposal so that it supports the development of technologies and competition in a way that boosts the roll-out of very high capacity networks, while remaining technology neutral and future proof”.

UK: Government wants universal high speed broadband for every part of the country

- On July 30, UK Culture Secretary Karen Bradley [said](#) that the Government was taking measures to make broadband connections available for all citizens in the country.
- BT has made an offer to voluntarily provide this service across the UK following the Government commitment to introduce a Universal Service Obligation (USO) allowing

all home and business to request a high speed connection of at least 10 Megabits per second (Mbps).

- The BT offer will be considered together with a [consultation](#) on the regulatory USO.

EU: Vice-President Ansip answers parliamentary question on 5G and the gigabit society

- On July 31, answering a [parliamentary written question](#), the European Commission Vice-President Andrus Ansip [said](#) public funding was needed “to bridge the estimated investment gap of €155 billion to reach the connectivity targets for the gigabit society.”
- He described the mix of funding needed to bridge this gap including both from private sources, and public sources including the European Structural and Investment Funds (EUR 10 billion), European Fund for Strategic Investment (over EUR 1 billion), the Connecting Europe Facility, and national schemes.
- The Commission is currently working, in the context of the next multi-annual financial framework, on measures to unlock and complement private investments, for reaching EU's connectivity objectives.

Italy: MISE selected firms for 5G trials in the country

- On August 2, Italy's Ministry of Economic Development (MISE) [announced](#) the companies selected to carry out pre-commercial trials of 5G technology in five different cities, as part of the Government's strategy to implement the EU's 5G action plan for 2020.
- Vodafone Italia was chosen for the city of Milan (Area 1); Wind and Open Fiber for Prato and L'Aquila (Area 2); and Telecom Italia, Fastweb and Huawei will run the trials in Bari and Matera (Area 3).
- The operators have until September 19 to submit their finalised design proposals to the MISE.

UK: Statistics on Internet access published

- On August 3, the UK Office for National Statistics published this year's [report](#) on “Internet access and use in Great Britain”.
- The publication shows 90% of UK households have Internet access and 73% of adults use mobile Internet. This is over double the 2011 rate of 36%.
- Email remains the most common internet activity with 82% of adults using it. Meanwhile the use of online shopping is up by 24 percentage points since 2008, with 77% of adults having bought goods or services online in the last 12 months.

Germany: Telefónica received complaints about roaming opt-in for O2 customers

- On August 7, the German consumer group VZBV [claimed](#) Telefónica's O2 services violated EU roaming rules as the company required its customers to opt-in if they wanted roaming charges to be removed.
- According to VZBV, the abolition of EU roaming charges is automatic and no additional request should be submitted to the providers.
- Telefónica stated it had automatically converted all prepaid clients. However, “customers with individual roaming solutions, instead of an EU-regulated tariff, are given the opportunity to decide themselves.”

EU: DIGITALEUROPE's briefing on “The Digital Tech Sector Priorities and Gap Analysis in a EU-UK cliff-edge scenario”

- Following the start of Brexit negotiations, DIGITALEUROPE published a [briefing](#) to provide input on the key areas of concern for the tech sector.

- DIGITALEUROPE describes its members' key concerns as “centred around the risk of non-tariff barriers being introduced”. It also warned of the significant negative impacts that could be associated with “increased documentation requirements, customs delays, future regulatory divergence, lack of free flow of data and access to highly skilled talent”.
- It also claims that a transitional agreement of adequate duration will be essential, stating that this transitional deal “should be based on the UK continuing to be part of both the Single Market and the Customs Union for an interim period”.

Trust

EU-US: Privacy Shield deal faces challenges ahead of first annual review

- Ahead of the first annual review of the data transfer agreement between the US and the EU, in September, officials from both sides are discussing a number of critical issues. In particular, the two sides have different ways of handling users' online data. The EU is also questioning whether standards for data protection are upheld by the US administration.
- In the past year, the EU-US Privacy Shield has already received many complaints, including [one](#) from a privacy advocacy group, Digital Rights Ireland, which challenged it before the EU's General Court.

EU: EDPS' opinion on the Commission's proposal for a Regulation on a single digital gateway and the once-only principle

- On August 1, commenting on the European Commission's [proposal](#) for a Regulation establishing a single digital gateway and the once-only principle, the European Data Protection Supervisor (EDPS) [said](#) “the successful implementation of an EU-wide once-only principle depends on ensuring data protection is respected.”
- The once only principle states that citizens should only have to provide a given piece of information or document to an administration one time. It is believed that adherence to this principle will reduce administrative burden and improve the citizens' interaction with their administrations.
- The EDPS however warns that this principle, including in a cross-border context, must be implemented in line with relevant data protection principles.

EU: European Commission launched consultation on “e-evidence”

- On August 4, the European Commission launched a [public consultation](#) to get inputs on how to improve cross-border access to electronic evidence in criminal matters.
- Commissioner for Justice, Consumers and Gender Equality, Vera Jourová, [said](#) “crime knows no borders, and the online world cannot serve as safe haven for criminals.”
- The consultation is open until October 27, 2017.

Global: Chinese app developers filed antitrust complaint against Apple

- On August 8, a group of 28 Chinese app developers filed a [complaint](#) against Apple Inc. alleging antitrust violations over the company's App Store. The US giant has been accused of monopolistic behaviour for removing apps from the App Store without receiving detailed explanations for the deletions and for levying excessive fees for in-app purchases.
- The Chinese developers have also accused Apple of putting them at a disadvantage compared to their American counterparts and of acting in favour of those who are also Apple's business partners.

UK: Amber Rudd said end-to-end encryption is not needed

- On August 8, UK Home Secretary Amber Rudd has [called](#) on messaging apps like WhatsApp, Signal or Telegram to ditch end-to-end encryption, arguing that "real people do not need it" and that it "severely limits agencies' ability to stop terrorist attacks".
- Not everybody agreed with Ms Rudd's claims. Jim Killock, executive director of UK digital liberties group Open Rights Group, [said](#) "the suggestion that real people do not care about the security of their communications is dangerous and misleading."

UK: UK Commissioner's blog on misinformation and the GDPR

- On August 9, Elizabeth Denham, UK Information Commissioner, published the [first](#) of a series of blog posts aimed at fighting misinformation and busting the myths surrounding the soon-to-be-applicable EU privacy legislation, the General Data Protection Regulation (GDPR).
- The first "myth" tackled is that "the biggest threat to organizations from the GDPR is massive fines". Ms Denham dismisses this as scaremongering, saying that the GDPR is about "putting the consumer and citizen first". She claims that the UK Information Commissioner's Office will use its new powers "proportionately and judiciously".

UK: Government announces data protection bill and new fines for poor cyber security

- On August 7, the UK Department for Digital, Culture Media & Sport, published a [statement of intent](#) on a new data protection bill.
- The new law will make it easier and free for individuals to require an organisation to disclose the personal data it holds on them and for customers to move data between different service providers.
- The bill will bring the EU's General Data Protection Regulation (GDPR) into UK law and will pass to the UK Parliament after the summer.
- The day after, the UK [announced](#) a proposal to introduce new fines, up to £17 million or 4% of global turnover, for essential service operators with poor cyber security. The proposal is part of a [consultation](#) open till September 30 on the Government's plans to implement the Security of Network and Information Systems Directive ("NIS Directive").

Global: Kaspersky Lab drops Microsoft antitrust complaints

- On August 9, after nearly a year of disputes, Kaspersky Lab [said](#) it would withdraw antitrust complaints made against Microsoft after the latter agreed to change how it delivers security updates to Windows users.
- In June 2017, the Moscow-based cybersecurity firm [accused](#) Microsoft of having removed Kaspersky's antivirus software when customers installed Windows 10 pushing users to adopt its own server, Windows Defender. Microsoft was thus accused of abusing its dominance in the market harming other antivirus providers.

The Netherlands: Lack of cybersecurity in about 50 car lease companies

- As reported by [AD](#) on August 7, the privacy-sensitive details of more than 180,000 company car drivers was easily accessed by an IT firm due to lack of cyber security measures. The security leak was discovered by the company ESET, while it was looking for a new company car supplier for staff.
- ESET spokesman Dave Maasland said it was extremely easy to access drivers' private information, such as address, the type of car and how much they had driven.

Russia: Google suggests other search engines for Russian Android users

- Google's Chrome for Android now prompts users to select their preferred search engine in Russia, as part of the settlement deal with the Russian Federal Anti-Monopoly Service (FAS).
- Yandex, a major Russian search company, [stated](#) “this is a huge milestone for Russian users.”
- In April this year, following a complaint from Yandex, Google lost an antitrust case in Russia, having been accused of abusing its dominant market position by forcing manufacturers to install Google services as the default option in all Android devices sold in Russia.

EU: Qualcomm accuses European Commission of mal-administration, prosecutorial bias, and harassment

- Qualcomm has submitted an [appeal](#) against an EU antitrust investigation being conducted against it, claiming that the way the European Commission requested undisclosed information “raises serious concerns of mal-administration, prosecutorial basis, and harassment.”
- The document claims that “the Commission is abusing its broad investigatory powers in an attempt to conceal its failure to establish the alleged infringement after more than seven years of investigation.”
- The appeal stems from an anti-trust case which saw Qualcomm selling chips below cost in the UK. Earlier this year, Qualcomm lost its bid to stop a fine imposed by the EU for failing to produce information on the anti-trust case in question.

EU: Leaked Council document on data in the context of the draft e-Privacy Regulation

- On August 9, the NGO “Statewatch” published a leaked [Council document](#) on “processing and storage of data in the context of the draft e-Privacy Regulation”.
- The Presidency of the Council invited the national delegations to conduct an initial dialogue on the relevant aspects of the proposed regulation. Member States were also asked to reflect on issues such as data retention and the role of law enforcement authorities. Members have until September 4 to present their ideas in writing.
- The e-Privacy Regulation, proposed by the European Commission in January, aims at updating the EU legal framework on the protection of private life and personal data in electronic communications.