# European Regional Bureau Newsletter

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## Internet Access

**EU: MEPs fail to reach an agreement on the European Electronic Communications Code**

- On July 11 and 12, shadow rapporteurs in the European Parliament's Industry Committee (ITRE) met on MEP Pilar del Castillo's (EPP, ES) report on the European Electronic Communications Code: the updated framework for telecom companies in the EU.
- The MEPs reached provisional agreements on issues such as spectrum licenses allocation and how smaller telcos can access networks of larger players. However, they failed to reach an agreement on co-investment in high-capacity networks.
- The shadow rapporteurs will aim to reach an agreement at their next meeting, now scheduled for late August. If this is reached, the ITRE Committee vote should take place on September 11.

**Germany: Plans for 5G deployment by 2025**

- On July 12, the German government unveiled a 5G Strategy outlining plans to deploy the new connectivity technology by 2025.
- Presented by digital infrastructure minister Alexander Dobrindt, the plan includes the release of more spectrum, support for the roll-out of fibre for backhaul and the launch of a competition to develop 'smart city' applications for the new network. Germany has already allocated some spectrum that can be used for 5G, and the minister said more will be provided soon. The government also promised to work with local and state authorities to open up public infrastructure, such as street lights and buildings, to telecom infrastructure.

**EU: Commission referred 3 countries to the Court of Justice over broadband cost reduction**

- On July 13, the European Commission referred Belgium, Croatia and Slovakia to the Court of Justice of the EU for not having transposed the Broadband Cost Reduction Directive into law by the agreed deadline: January 2016. The Commission will ask the Court to impose a daily penalty payment on those three Member States.
- The Broadband Cost Reduction Directive includes rules, such as the reuse of existing physical infrastructure of utilities, to reduce cost of deployment of high-speed

broadband networks across the EU. The Directive supports the EU's broadband targets set out in the Digital Single Market and the strategy on Connectivity for a European Gigabit Society.

**EU: Telecom ministers meet on July 18**

- EU Telecom ministers will meet in Tallinn on July 17-18. On the agenda includes the actions necessary to make 5G a success for Europe. A ministerial declaration (see draft version here) should be adopted underlining the Member States' ambitions for 5G technology. Reportedly, however, there is still a certain amount of disagreement between the different countries on how to manage the rollout – leading to a somewhat watered down agreement.
- Another part of the meeting will be dedicated to the free flow of data, considering whether it should be treated as the "fifth freedom", and looking at the actions necessary to make Europe a data economy.

**EU: OECD Broadband Statistics Update**

- The latest figures from the OECD confirm the leading role played by certain EU Member States on mobile broadband penetration
- According to the update, Finland, Denmark, Sweden, Estonia, and Ireland all feature mobile broadband penetration rates above 100%. They are joined 5 other non-EU countries.
- Overall in the OECD, there are a total of 1.275 billion subscriptions for a population of 1.284 billion people.

## Trust

**France-Germany: France and Germany discuss encryption at biannual ministerial meeting**

- On July 13, France and Germany discussed the European Commission's upcoming actions on e-justice during a ministerial meeting in Paris.
- On encryption, the ministers argued that "while being conscious of the importance of end-to-end encryption, France and Germany want appropriate measures to tackle the challenge that encrypted communications systems pose that allow terrorists to communicate among each other."
- On data retention, the two are seeking "appropriate measures" at the European level to support investigators' access, including obliging telecoms and Internet service providers to store data.
- On cybersecurity, they agreed on exchanging military personnel specialized in cyberwarfare and intelligence.
- The two countries have also jointly demanded that online players to do a better job at quickly and effectively removing online hate speech and terrorist content.

**UK: British Information Commissioner's Office annual report released**

- The British Information Commissioner's Office (ICO) has released its annual report on July 13, showing an increase of 31.5 percent in reported data breaches and incidents as well as a 12 percent increase in concerns filed by Brits over their privacy.
- Moreover, there were 300 new cases from people who had asked search engines to remove results about them under the current 'right to be forgotten' regime. In a third of these cases, ICO asked for search engines to take action to remove links.

**Australia: Authorities to force tech companies to decrypt online messages**

- Under a proposed new law, Australian security agencies could force tech companies, especially social media giants, to provide access to encrypted messages from suspected terrorists and other criminals. The new law would be similar to Britain's Investigatory Powers Act, which imposes an obligation on companies to cooperate with investigations.
- Facebook, which also owns WhatsApp, one of the world's most popular encrypted messaging apps, has already reacted by warning against attempts to weaken their systems. "Weakening encrypted systems for law enforcement would mean weakening it for everyone", a spokesperson stated.

**EU: Will Google fight?**

- Following the huge €2.4 billion antitrust fine imposed by the European Commission on Google, the company has until around the end of August to inform the Commission of what changes they plan to make to their shopping service and until mid-September to decide whether to lodge an appeal with the EU General Court.
- Weighing on the company's decision will be the 38 years since the Commission last lost a monopoly case. The success for Google of any potential appeal will depend on its ability to convince the court, among other things, of the strength of Amazon in the sector, with Google in fact providing healthy competition to this company.

**The Netherlands: Parliament approve broader surveillance powers**

- On July 12, the Dutch parliament agreed new investigatory powers for intelligence services, approving a law that will apply from January next year. The Members of the Parliament revised the country's law governing intelligence agencies, broadening their surveillance powers.
- The adopted bill includes the power to tap Internet traffic within a city as well as that passing through public Wi-Fi networks. It also allows data to be stored for three years, potentially violating a recent judgment by the European Court of Justice on data retention measures in the U.K. and Sweden.

**UK: former head of the UK Government Communications Headquarters on encryption**

- On July 10, Robert Hannigan, former head of the U.K.'s Government Communications Headquarters (GCHQ), claimed governments should not legislate on encryption. He said that the best that could be done with end-to-end encryption was to "work with the companies in a cooperative way to find ways around it".
- He added that government authorities have ways to access encrypted communications, most notably by getting access to the phone or computer of a suspect, and legislation had to be seen as "a blunt, last resort".

**EU: LIBE Committee approves dossier on the fight against cybercrime**

- On July 11, the draft report of rapporteur Elissavet Vozemberg-Vrionidi (EPP, EL) on the fight against cybercrime was adopted, as amended, by 50 votes in favour, 4 against and 2 abstentions.
- The document acknowledges that technological advances in encryption allow legitimate users to better protect their data, but points out that malicious users deploy the same techniques to conceal their criminal activities and identities.
- It stresses that cyber-resilience is key in preventing cybercrime and calls for a comprehensive European approach on the fight against cybercrime.

**EU: WP on cyber issues met on July 12**

- On July 12, the Horizontal Working Party on Cyber Issues (cyber attaches) met to discuss the EU Cyber Security Strategy. The group looked at how to strengthen incident response and mainstream cyber into EU crisis management mechanisms.
- Also discussed was the proposed framework for a Joint EU Diplomatic Response to Malicious Cyber Activities.

**EU: Spain, Norway, Estonia join cybercentre on hybrid warfare**

- The governments of Spain, Norway and Estonia have joined the European Centre of Excellence for Countering Hybrid Threats in Helsinki. The centre was created in April by founding members Finland, France, Germany, Latvia, Lithuania, Poland, Sweden, the United Kingdom and the United States.
- The Centre conducts research on new threats such as election hacking and is open to membership for EU and NATO countries.