

# European Regional Bureau Newsletter



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## Internet Access

### **EU: Commissioner-designate Mariya Gabriel answers MEP questions during parliamentary hearing**

- A [hearing](#) on the designation of Mariya Gabriel as Commissioner for Digital Economy and Society took place on June 20 at the European Parliament. The former MEP [said](#) she hopes to use her Parliament experience to facilitate compromises on digital issues.
- On 5G, she said she was aware of the different positions the EU Institutions are taking on spectrum management but she believed that European action was needed and that the ongoing telecom reform negotiations need to move as quickly as possible.
- She added that new legal initiatives on cybersecurity and data flows were needed (the European Commission is expected to release new rules this fall).
- The Commissioner-designate also said she hopes to expand the scope of her portfolio to include gender equality, rural development and foreign affairs.

### **EU: EP ITRE Committee discusses the European Electronic Communications Code**

- On June 22, the European Parliament's Committee on Industry, Research and Energy (ITRE) met to discuss Pilar del Castillo (EPP, ES) draft report on the European Electronic Communications Code (EECC).
- Although consensus exists on the need of ensuring EU citizens have access to high capacity networks, differences still exist on some of the most controversial aspects of the EECC, such as on access to networks and spectrum allocation.
- The ITRE Committee will vote on the EECC on September 11.

### **EU: National telecoms Ministers to discuss spectrum in an informal meeting in July**

- National ministers responsible for telecoms will meet in Tallinn on July 18 for an informal discussion on radio spectrum reform.
- The Estonian Prime Minister Jüri Ratas said he hopes the Council “could take a final decision” on a draft EECC Code in autumn 2017.

### **EU: Report on the Economic impact of competition policy enforcement on the functioning of telecoms markets in the EU**

- On June 23, the European Commission has published a [report](#) by Lear, DIW Berlin and Analysys Mason on the economic impact of competition policy enforcement on

the functioning of telecoms markets in the EU. The report provides an ex-post evaluation of competition policy enforcement in the European telecoms markets over the past 15 years, analysing three different case studies (the German aid schemes to bring broadband to rural areas, the *Telekomunikacja Polska* antitrust case, and the T-Mobile/Orange UK merger case).

- The report shows that telecoms services have become widely diffused in the most recent years: fixed markets have witnessed a greater deployment of Next Generation Access services and enhancement of service quality; mobile markets have been characterised by more advanced technologies, such as the 4G networks.

## Trust

### EU: Article 29 Working Party (A29WP) letter to European Commission on EU-US Privacy Shield

- On June 15, the A29WP sent a [letter](#) to Commissioner for Justice, Consumers and Gender Equality Vera Jourova with its views and recommendation on the 1<sup>st</sup> annual review of the EU-US Privacy Shield to happen in September.
- The A29WP emphasized that the review is a fact-finding mission and that it should obtain the necessary evidence that demonstrates the strength of the Privacy Shield.

### EU: Brexit: what's at stake for the digital economy?

- To keep its position as an enabler of data innovation, the UK will have to negotiate ways to transfer data smoothly to and from the EU. UK surveillance practices could be a problem. Digital innovations in the EU also fear the negative impact of an EU without its most digital driven and pro-business Member State.
- Gila Sacks, director for digital and tech policy at the UK's Department of Culture, Media and Sports, will support the UK's Department for Exiting the EU with expertise. François Arbault, an official at the European Commission dealing with industrial matters, is to provide similar input to the EU's Brexit team headed by Michel Barnier.

### EU: Commission Vice President Ansip: "free association agreements are an area with great digital potential"

- In a [keynote speech](#) at the 2017 edition of the Digital Assembly, European Commission Vice-President Andrus Ansip indicated his support on trade in data, in goods and services and in securing cooperation in digital policies, particularly on cybersecurity.
- VP Ansip said the European Commission is looking at possible adequacy decisions with key trading partners in Asia, starting with Japan and South Korea. The EU aims to ensure that digital is included in ongoing trade negotiations with Mexico and the Mercosur countries.

### EU: JURI exchanges with Commission Vice President Ansip

- On June 19, the European Parliament's Committee on Legal Affairs (JURI) held an [exchange of views](#) with European Commission Vice President Andrus Ansip on the European Commission's digital policies.
- VP Andrus Ansip argued that a full harmonisation of the rules governing digital contracts would help achieve a more comprehensive Digital Single Market in Europe.
- He also argued that in moving towards a digital single market, the European Commission has found the correct balance between ensuring privacy and safety.

**EU: European Parliament: need for a digital trade strategy**

- On June 19, the European Parliament Committee on International Trade (INTA) members discussed a report on digital trade presented by rapporteur Marietje Schaake (ALDE/Netherlands). The rapporteur noted the importance of having data flows go hand-in-hand with data protection.
- The proposal seeks to make Europe a standard-setter in digital norms, asking for the elimination of tariffs for electronic transmissions, stopping forced disclosure of source code, and balanced protection of intellectual property rights.

**EU: European Commissioner King's remarks at the Cyber-Security Summit Hessen 2017 in Frankfurt**

- On June 21, European Security Commissioner Julian King during his [keynote speech](#) at the 2017 Cyber-Security Summit highlighted current opportunities and challenges of the digital economy to society and cyberspace.
- The European Commission will accelerate its work on cybersecurity by clarifying the role of the various actors in the event of an EU-wide attack and provide support to Member States to accelerate the implementation of the Directive on security of network and information systems ([NIS Directive](#)).
- In September, the European Commission will review the 2013 EU Cyber Security Strategy together with the EU's agency for Network and Information Security (ENISA), focusing on putting in place more structural barriers to cyberattacks, improving general awareness to cyber issues and pursuing international cooperation.

**EU: GSMA and ETNO joint statement critical of EP LIBE's report on e-Privacy Regulation**

- On June 21, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) presented Marju Lauristin (S&D, EE)'s [draft report](#) on the e-Privacy Regulation.
- GSMA, representing mobile operators, and ETNO, representing telecom operators released a [joint statement](#) arguing that the proposed telecom-specific rules are not in line with the General Data Protection Regulation (GDPR). It was further stated that an overly restrictive approach to privacy in an electronic communications context would undermine European innovation without a meaningful increase of data protection.

**EU: EP LIBE Committee draft report on e-Privacy includes end-to-end encryption**

- The European Parliament's report on the e-Privacy Regulation suggests that end-to-end encryption is required if available and that backdoors that offer guaranteed access to law enforcement should be forbidden. The draft proposal reads that "the principle of confidentiality should apply to any current and future means of communication".
- The draft report will have to go through a plenary vote and be reviewed by the other co-legislator, the Council of the EU, before it becomes law. It is likely that encryption rules will face resistance by the Member States.

**Germany: Bundestag passed a bill that allows authorities to break encryption to aid criminal investigations**

- On June 22, the German Bundestag [voted](#) into law a bill allowing the government to hack into encrypted messaging services during certain criminal investigations. The law also allows surveillance for a number of offenses not related to terrorism, including tax evasion and sports betting fraud.
- Until now, German investigators could have access to a suspect's SMS communication and regular phone conversations, provided the alleged crime was severe enough.

However, they were barred from surveilling messages sent via end-to-end encrypted services like WhatsApp, Signal or Telegram.

