

European Regional Bureau Newsletter



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Internet Access

EU: European Commission publishes study on spectrum policies

- On October 23, the European Commission published a [study](#) on spectrum assignments in the EU to assess all the elements under which radio spectrum, in particular for 5G usage, should be authorised and assigned by Member States.
- The study found that both regulators and mobile operators generally prefer the continuation of the approach to spectrum authorisation and assignment. However a wider variety of approaches would benefit the introduction of 5G services.
- The study makes a number of recommendations including that “Member States should explicitly identify and allocate sufficient spectrum (i.e. for innovative 5G services and verticals) to be made available on a non-exclusive/non individual basis to support those use cases for which it is necessary”.

EU: TTE Council discusses key digital issues

- The Transport, Telecommunications and Energy (TTE) Council [met](#) on October 24. Building on the European Council conclusions (October 19), the TTE held a policy debate on speeding up work on the digital single market to ensure its finalization by the end of 2018.
- The TTE Ministers discussed 5G and spectrum during a closed-door lunch. The Estonian Minister of Entrepreneurship and Information Technology, Urve Palo, said they all agreed it was imperative to create the right conditions for the extensive roll-out of 5G networks in Europe.
- Ministers also held a policy [debate](#) on the EU's response to cybersecurity. Work in this area is focused on the cybersecurity package recently presented by the Commission.

EU: First trilogue meeting on the European Electronic Communications Code

- On October 25, the three co-legislators (European Parliament, Commission and Council of the EU) held the first trilogue meeting on the telecoms.
- Trilogue meetings and accompanying technical meetings are expected to continue well into 2018 under the upcoming Bulgarian presidency of the Council.

- The co-legislators have a variety of issues to come to an agreement on including on price regulation of intra-EU calls, spectrum, encryption, access to networks and end user protection.

EU: Commission factsheet on Internet Connectivity

- The Commission has published a [factsheet](#) on the investment requirements for Internet connectivity in the EU.
- It claims that €500 billion must be invested in the EU's telecoms networks if the objectives of the 2025 "Gigabit Society" are to be achieved. This investment would have to come largely from private sources.
- It notes the changes the Commission has proposed to the telecommunications framework in order to promote this investment, including on mapping network investment, promoting co-investment, and greater coordination of spectrum assignment.
- It finishes with an appeal to the Parliament and the Council, stating that "If co-legislators agree on a text that keeps the main features of the Commission's proposal, then Europe will have the right legal framework in place which will boost the network investments necessary for the European Gigabit Society to flourish"

EU: EU Court annuls European Commission's approval of Dutch cable merger

- On October 26, the European Court of Justice [annulled](#) the European Commission's [approval](#) of Liberty Global's 2014 acquisition of Ziggo, which brought together the two largest cable network operators in the Netherlands.
- The company rival, the former state telecoms monopoly KPN, brought the case into Court which has now stated the Commission failed to explain the effects of the merger on competition, especially on the TV sport channels.
- The judgement of the Court is strictly related to the procedure, and not to the reasons, for approval. The Commission will need to re-adopt its decision.

Trust

EU: EP ECON Committee publishes draft annual report on competition policy

- On October 23, European Parliament's Committee on Economic and Monetary Affairs published the first [draft](#) of the annual report on Competition policy.
- The document calls on the Commission to speed up and conclude the Google Android investigation by the spring of 2018, and to open an investigation on Google's travel search and local search, where the company "is allegedly abusing its dominance." The draft also states some decisions "are sometimes made too late."
- It also invites the Commission and the Google CEO to attend a joint public hearing of the ECON Committees and the EP Internal Market and Consumer Protection (IMCO).

EU: ENISA says it is time to discuss liability

- On October 23, Steve Purser, EU cybersecurity agency ENISA's director of operators, [stressed](#) the need to foster discussions about liability for cybersecurity attacks. He added that the EU didn't need the strictest security standards globally, but should have an "appropriate level of security."
- ENISA will be in charge of drafting criteria to apply the cybersecurity certification to products in the region.
- Given the diverging positions that different stakeholders have on certification, Purser suggested that a sectorial approach could be a good way forward.

EU: European Court adviser says Facebook must comply with Member States' privacy laws

- On October 24, the Court of Justice of the EU published a [non-binding opinion](#) which stated that Facebook must comply with the privacy rules of each EU member, and not only with Ireland's where it has its headquarters.
- Facebook said it would await the ECJ's final decision, which will not be delivered before summer next year.
- The request for a preliminary ruling was made by the Bundesverwaltungsgericht, the German Federal Administrative Court.

EU: ETSI publishes cybersecurity advice on the NIS Directive

- On October 24, the European Telecommunications Standards Institute (ETSI) published a technical [study](#) to provide guidance on the implementation of the Directive on security of network and information systems ([NIS Directive](#)).
- The report gives information on the available technical specifications and those in progress from major cyber security communities in the world intended to meet the requirements of the NIS Directive. These include considerations for incident notification and best practices in cyber security risk management.
- The NIS Directive, the first EU-wide legislation on cybersecurity, entered into force in 2016.

EU: European Parliament approves ePrivacy report in plenary session

- During the last plenary session in Strasbourg, on October 26, the European Parliament voted in favour of entering into negotiations with the Council of the EU and the Commission on the proposal for a Regulation on Privacy and Electronic Communications (ePrivacy).
- As reported last week, the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) adopted its [draft report](#) on October 19.
- The LIBE Committee voted to negotiate directly with the Council on the new rules, without an EP plenary vote. However, many, including the Conservative European Conservatives and Reformists ([ECR](#)) group and parts of the European People's Party (EPP) strongly opposed the adoption and pushed to trigger a plenary vote for reopening the mandate.