

European Regional Bureau Newsletter



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Internet Access

EU: Telecoms reform blocked due to disagreements on international calls and market access

- Negotiations this week between the European Parliament, Council and Commission failed to end in a deal on rules to reform the European telecommunications sector, known as the [Electronic Communications Code Directive](#), because of disagreements on how telecom companies will invest and what consumers pay to call international numbers.
- The reforms aim to boost investment in European networks and help roll out 5G infrastructure at a time when European policy-makers are afraid of falling behind China and the US on emerging digital issues like Artificial Intelligence and connected transport.
- Disagreements centre around market access, including rules on how telecom operators can invest in return for lighter regulation, and excessive surcharges for international calls within the EU, which the Parliament believes should be banned.
- Talks on the most difficult issues around investment and access will resume in mid-May, with a final three-way discussion between the institutions scheduled to take place on June 5, the date by which the European Commission hopes to reach a final agreement.

Trust

EU: Commission launches new proposal setting new standards for trading on online platforms

- On Thursday 26 April, the European Commission [published](#) a proposed [regulation](#) setting out new standards on transparency and fairness for online platforms.
- The legislation comes after calls from small business associations for stronger rules to protect them from unfair trading practices set out by online marketplaces, which increasingly occupy an important role in the digital economy.

- The EC's impact assessment highlights that while 42% of SMEs use online marketplaces, or online intermediation services, almost half have reported problems, of which 38% were issues related to contractual relations that remain unsolved, and 26% solved with difficulties. The Commission estimates that €1.27-2.35bn is lost directly in sales as a result.
- The new rules tackle the concerns through three main approaches: increasing transparency of the terms and conditions of trading, notably covering general policies on what data can be accessed, clarity on ranking criteria, and justification for sudden termination of the provider's offer; facilitating dispute resolution procedures, and setting up an EU Observatory to monitor the impact of the rules.

EU: Commission releases a Communication on Fake News

- On the same day as the release of a regulation on fair trading practices for online platforms, the EC also [unveiled](#) its guidance on fighting disinformation and fake news.
- Building on a report from the [high-level group of experts](#) on fake news, the EC called for the creation of a Code of Practice for platforms to better deal with disinformation.
- This Code would ask platforms to be more transparent about the origin of sponsored content and political advertising in order to improve the scrutiny of how ads are placed online.
- Critics argue that these non-binding rules will be ineffective, and that any attempt to encourage online platforms to self-regulate their data use will be doomed to fail. "It is like expecting Coca-Cola to stop using sugar in its sodas because consumers are increasingly concerned about their health", said Alberto Alemanno, professor at HEC Paris.
- France and Germany have already proceeded with their own rules. French MP Bruno Studer is currently drafting and shepherding a new law through the National Assembly, while Germany this year implemented a new law threatening platforms like Facebook or Twitter with fines of up to €50m if they fail to remove illegal hate speech or fake news fast enough.
- Before the beginning of the summer, the Commission is expected to bring together a forum of advisors from the advertising industry, online platforms and other stakeholders to help craft this Code of Practice. The effectiveness of the overall strategy will then be assessed before December 2018.

EU: The Commission releases its AI Strategy

- On Wednesday 25 April, the European Commission [released](#) the EU's AI strategy, setting out a common approach for the EU's Member States to set global standards in the use of the technology.
- The EC's objective is to reach €20bn of total annual investments (public and private) into AI between now and the end of 2020. The strategy also contains plans to make the EU a world leader in ethical AI, with plans to develop draft legal and ethical guidelines for European users by December 2018.
- Some stakeholders still feel the AI strategy is not ambitious enough and not sufficiently linked to areas like defence and competition (like Dutch MEP [Marietje Schaake](#) MEP) while others ([DIGITALEUROPE](#)) warn more consistency is needed with the EC's proposals on Copyright Reform, ePrivacy and the Platform-to-Business Regulation.

EU: Mark Zuckerberg to come to Brussels

- Facebook's CEO has agreed to come to the European Parliament in May to testify before MEPs in the wake of revelations of data mis-use at Cambridge Analytica affecting over 2.7m Facebook users.
- According to a [tweet](#) from Thursday 26 April by Daniel Koster, Spokesperson to the EP's President Antonio Tajani, Mark Zuckerberg's team has confirmed the request and the announcement will be made official once the format has been agreed.

EU: Privacy and GDPR discussed at annual FEDMA meeting in European Parliament

- At the annual [meeting](#) of [FEDMA](#), the Federation of European Direct and Interactive Marketing, which represents the interests of data-driven marketers, its CEO welcomed the EU's General Data Protection Regulation (GDPR) as a consumer centric opportunity that will increase confidence in online shopping.
- Axel Voss MEP (EPP, Germany) stressed that he was not happy with the content of the ePrivacy Regulation as it introduces legal uncertainty and a problematic conception of the issue of consent. Dr. Sachiko Scheuing, Privacy Officer at marketing company Acxiom, agreed that the ePrivacy regulation puts information sharing at risk and that the issue of content as outlined in the ePrivacy Regulation is too constraining, will lead to consent fatigue, as people tick boxes without considering the implications.
- During a panel on the need for coherence in a data driven industry, representatives from the European Data Protection Supervisor, RTL Group and Reader's Digest, discussed the need for a more joined-up approach between the GDPR, the ePrivacy regulation and Digital Content Directive, soon to be adopted, and the future New Deal for Consumers.

EU: Leading lawyer calls for 'privacy label' on the Internet

- Leading privacy lawyer Bart Lazer published an opinion [piece](#) in POLITICO EUROPE calling for legislators to create a privacy label for all Internet sites, arguing it would be a light-touch and reliable way to boost online privacy.
- Following the successful development of food labelling more than 50 years ago, the privacy label would ensure the consumer is informed and able to make decisions about their data management.
- Bart Lazer argues companies face a no-win solution when developing their privacy policies, either they are too opaque and are therefore criticised by users or the company runs the risk of being challenged by regulators or class-action plaintiffs for oversimplifying their policies.
- In the wake of Facebook's data breach scandal, the lawyer argues policy-makers will need to find a flexible way to regulate the Internet without hampering its openness, a privacy label could be the best solution.