

# European Regional Bureau Newsletter



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## Internet Access

### Global: Cable industry calls for “great leap forward” in broadband coverage

- Last week at the Consumer Electronics Show in Las Vegas, three industry groups - the Internet & Television Association, CableLabs and Brussels-based Cable Europe - [presented](#) their plan to ramp up broadband speeds in the coming years.
- The measures, in the so-called ‘10G’ plans set out the cable industry’s ambition of delivering 10 gigabit networks, involving a shift up from the 1 gigabit per second of today to speeds of 10 gigabits per second and beyond. According to Cable Europe this is the “next great leap for broadband”.
- The calls for action come at a time when the European Commission is being [challenged](#) by the European Court of Auditors for being unrealistic in reaching its 2020 connectivity targets. As part of its Europe 2020 strategy, the EU set a series of broadband targets including the objective of providing all Europeans with broadband connections of over 30 Mbps by 2020.
- According to the Court of Auditor’s, the problem is largely due to the lower private incentive of companies to invest in rural areas, which “remain less well connected than cities” and where “take-up of ultra-fast broadband is significantly behind target”.

### EU: Second Report of European 5G Observatory published

- The European Commission’s 5G Observatory released on Tuesday its quarterly [report](#) on the EU’s progress in rolling out very high capacity networks.
- The report shows that European operators are “head-to-head” with other leading world-regions in preparing for the commercial launch of 5G in 2019, and that the first 5G networks are ready to be opened for business.
- However, it is expected that large-scale deployment will not begin until 2020, once sufficient consumer 5G smartphones and tablets become available.

### EU: Access to public sector data to be improved with new law

- On Tuesday, negotiators from the European Parliament, Council of the EU and European Commission [agreed](#) on the text of the new Directive on Open Data and Public Sector Information (PSI).
- The [PSI Directive](#) aims to facilitate the availability and re-use of public sector data by instituting a new principle: all public sector content already accessible through national rules must become freely available for re-use. Public sector bodies will not be allowed to charge more than marginal cost for the re-use of their data, except in very limited cases.
- The Commission is especially concerned about high-value datasets (national statistics or geospatial data), for which public bodies often strike complex data sharing agreements with large companies, “locking in” the data within a closed loop, limiting its access for SMEs and start-ups.
- Next steps will now be for the EP and Council to formally adopt the rules, Member States will then have to implement them within two years before they become effective.

#### **EU: UK, France and Denmark consider restricting 5G access to Huawei**

- Several EU Member States are considering measures to restrict the use of Huawei technology on 5G networks due to potential security risks.
- In the UK, Former UK Foreign Office Minister Joyce Anelay raised the issue on Wednesday in the Parliament’s House of Lords, challenging ministers over why the UK has not joined other members of the “5 Eyes” intelligence community in restricting the use of Huawei technology in 5G networks on security grounds.
- In France, Les Echos [reported](#) that the government is examining the possibility of legislation that would limit Huawei’s presence in the country by stiffening conditions for access to the 5G market in the “PACTE” legislative package.
- And in Denmark, Members of Parliament in Copenhagen are holding a public session considering whether to allow Huawei and other Chinese vendors to provide equipment for the country’s 5G networks.

## Trust

#### **Global: “World’s largest area of safe data flows” created with Japan-EU adequacy decision**

- The European Commission has [adopted](#) its data adequacy decision with Japan, allowing personal data to flow freely between Japan and the EU. The approval by the College of Commissioners was the final step in a procedure launched in September 2018, which included the approval of the European Parliament and an opinion by the European Data Protection Board (EDPB).
- Together with its equivalent decision adopted this week in Japan, it will start applying as of Jan 23 2019. For the adequacy decision to be approved, Japan had to put in place a number of additional guarantees to ensure that it met EU standards on data protection.

- At a press conference following the decision, EU Justice Commissioner Jourova welcomed the development claiming that the “this adequacy decision creates the world's largest area of safe data flows”.
- DIGITALEUROPE, an industry body representing large technology companies in Europe, [welcomed](#) the decision, saying it would “increase investment, innovation and cooperation between the European Union and Japan along with the upcoming entry into force of the EU-Japan Economic Partnership Agreement (EPA) on 1 February.”

#### **Global: WhatsApp announces new measures to curb online disinformation**

- The instant messaging app WhatsApp announced on Monday this week that its latest software update would restrict message forwarding in a bid to limit the spread of “fake news”.
- Users will be limited to forwarding five chats at once, which, according to the company “will help keep WhatsApp focused on private messaging with close contacts”.

#### **Austria: Big tech under fire for data privacy**

- Apple and Amazon are among eight tech firms [named](#) in a complaint filed in Austria for failing to comply with the EU’s General Data Protection Regulation (GDPR).
- The action by “noyb”, chaired by data privacy activist Max Schrems, also named Netflix, Spotify and YouTube, after it tested them by requesting private data the companies hold about the user. “No service fully complied”, said noyb in a statement.
- The GDPR, implemented in May, gives users the right to access their data and information about the sources and recipients of the data. This means social networks must regain Europeans’ consent every time they wish to use their data in new ways, for example for targeted advertising.
- The GDPR foresees high fines of up to 4 percent of global revenues for non-compliant companies.

#### **France: First large GDPR fine hits Google**

- France’s data protection watchdog, the CNIL, hit Google with a record €50m for breaching European privacy rules over ad targeting and transparency requirements on its Android mobile operating system.
- The fine could reshape consent - a concept on which the advertising-technology sector relies heavily as a legal basis – forcing companies to pay closer attention to how they secure the consent of their users.
- Specifically, the original [complaint](#) criticised Google for being “unclear” on which exact processing operations the company’s privacy controller would choose to base its application of the GDPR’s key [article 6](#) (“lawfulness of processing”) and [article 9](#) (“processing of special categories of personal data”).

## France: France seeks to protect data against US CLOUD Act

- French Finance Minister, Bruno Le Maire, [announced](#) last week that the country is examining ways to protect the “strategic data” of French companies from snooping by US authorities under the US CLOUD Act.
- The Clarifying Lawful Overseas Use of Data Act, known as the CLOUD Act, is a US federal law adopted in 2018 that allows law enforcement officials to access data stored abroad and was designed with the intention to simplify the process to gain access to potentially vital data in the interest of national security. There has been concern by some companies that complying with the CLOUD Act may put them at odds with European privacy rules such as the GDPR.
- Le Maire said in the French National Assembly that “[the French government] is working on mechanisms to protect the strategic data of our companies, to prevent the US administration or the US justice system accessing them without their knowledge”. He went on to argue that “digital sovereignty means being able to resist American sanctions and the American CLOUD Act, which allows any US administration to get any data from French companies”.
- The European Commission is working on a mandate to strike an agreement between the EU and the US that would facilitate access to e-evidence, which would allow reciprocity to the U.S. CLOUD Act.