

European Regional Bureau Newsletter



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Internet Access

EU: Parliament and Council move forward on telecoms reform

- On September 4, the parliamentary Committee on Internal Market and Consumer Rights (IMCO) adopted its draft [opinion](#) on the end user rights and services sections of European Electronic Communications Code. IMCO members voted for a requirement for telecom operators to lower intra-EU call charges to the level of national calls.
- Although on most of the end user rights and services issues for the telecoms code, the IMCO Committee has exclusive competence (meaning it will determine the Parliament's position), the position on intra-EU calls is expected to have to be validated by the Committee on Industry, Research and Energy (ITRE).
- The ITRE Committee, however, has postponed its vote on telecoms networks and spectrum to October 2. The main issues it will vote on include the rules for the distribution and management of spectrum, and the access obligations for telecoms operators.
- At the Council level, the Working Party on telecommunications and information society met on September 5 and 6 to discuss the spectrum, services and the institutional parts of the Code.

EU: Deutsche Telekom and Huawei launch pre-standard 5G network in Berlin

- On September 1, in a [joint statement](#), Deutsche Telekom and Huawei have claimed a first in the EU with a demonstration of 5G standards on a commercial mobile network in Berlin. The two achieved speeds over 2 Gbps using a 3.7 GHz spectrum link.
- Deutsche Telekom plans to trial 5G technology in 2018 to prepare for a wider deployment on commercial sites and the first devices for end-users.
- On October 12, the German operator and Huawei will hold a 5G Experience Day in Berlin to further discuss the progress.

UK: Three challenges UK watchdog over 5G spectrum auction

- Three has officially filed a [judicial review](#), which will last three months, with the UK courts against the national regulator Ofcom's proposed 5G auction, as it warned it would do in March.

- Three believes that the 37% cap on spectrum proposed by Ofcom for the upcoming auction is “meaningless” given Ofcom has said it will review its stance ahead of another spectrum sale.
- As formerly reported, EE is also considering a legal action against Ofcom. Meanwhile, Vodafone has stated that legal challenges would “unnecessarily delay” the spectrum auction.

Trust

EU: Leaked draft Regulation on the free flow of data in the European Union

- The European Commission is expected to release a new free flow of data regulation, together with an updated Cybersecurity Strategy in the coming days. A [leaked draft](#) obtained by POLITICO focuses on aspects of data flows that are not regulated by the GDPR or the ePrivacy Directive and indicates that the Commission aims at creating a “free movement of data” principle in the EU.
- Data localization, data availability and storage, as well as data portability across the EU are also covered by the document. Member States would be allowed to store data within national borders for security reasons, but national requirements to store health data or accounting data locally would have to be repealed within a year.
- The draft Regulation also stipulates a series of measures aimed at ensuring the consistent application of these principles and a review procedure every 5 years, however officials are still discussing the latter.

EU: Juncker chief of staff calls for a “non-alarmist debate” on e-Privacy

- Talking at the DLD Brussels 17 conference, on September 4, Martin Selmayr [called for calm](#) over the e-Privacy Regulation currently being considered by the Parliament and the Council (trilogues could start by October). “Nothing in this e-privacy regulation is new,” he said. “These rules are not as bad as has been said.”
- He called for policy makers and stakeholders to avoid a 5-year lobbying delay, referencing the GDPR. He said venture capital was the next priority to boost the digital sector.

EU: European Commission’s draft communication on cybersecurity

- Next week, the European Commission is expected to release a package of cybersecurity measures, as promised in the Digital Single Market Strategy Mid-Term Review presented in May 2017.
- A leaked draft version of the cybersecurity communication that is expected to form a part of this package focuses on three main areas. These are how to make the EU resilient to cyber-attacks; strengthening the EU’s response capacity to cyber-attacks; and stronger cooperation on cybersecurity and defense globally.
- The document suggests a (voluntary) European framework for certification and labelling, as well as a review of current liability rules with respect to ICT security, expected by 2018.
- Among other things, a new proposed mandate for the European cybersecurity agency, ENISA, is expected as part of the cybersecurity package next week. The leaked communication also suggested the creation of a Cybersecurity competence network and a European Cybersecurity Research and Competence Centre.

EU: Privacy International's report on national data retention laws

- Privacy International, the UK-based charity, published a [report](#) which sheds light on the current condition of data retention rules in the European Union after the Tele-2/Watson decision (2016). This decision ruled that “general and indiscriminate” data retention directives contravene European Union law.
- Privacy International has surveyed 21 national jurisdictions to analyse data retention regimes in the region. The organisation concluded that all of the EU members it surveyed were not in compliance with the Court of Justice of the European Union (CJEU)'s Tele-2/Watson judgment.
- Privacy International thus recommends EU countries to review their legislations and invites telecoms and other companies subject to data retention obligations to challenge existing data retention legislation that do not abide EU standards.

UK: Increase in cyber-attacks on British Universities

- According to an [article](#) by The Times, universities in the UK have been increasingly subject to cybersecurity breaches, in which hackers attempt to access sensitive or valuable research data and information.
- Cyber-attacks at British prestigious research institutions such as Oxford, Warwick and University College London have doubled in the past two years to 1,152 in 2016-17.

Norway: Norway fears vote tampering and strengthens cybersecurity ahead of elections

- Ahead of its parliament election on September 11, Norway is strengthening security procedures in order to avoid the possibility of the results being interfered with.
- While there is no clear indication of efforts to tamper with the votes, Jan Tore Sanner, the Norwegian Minister of Local Government and Modernisation [commented](#) that “safety and trust are key in carrying out the election.”

EU: EC's Taskforce on Article 50 released position paper on the UK and data protection

- A [document](#) released by the EC's Taskforce on Article 50 on September 6 lists the EU's essential principles on the use of data and protection of information obtained before the UK leaves the EU.
- The position paper states that the UK's access to networks, information systems and databases established by EU law will be terminated on the date of withdrawal. It adds that the UK may continue to use data gathered before exit day once it has left the EU, as long as it continues applying the same level of protection.
- The document does not address how data could continue to be exchanged following Brexit.

EU: Intel wins reprieve on EU antitrust fine

- On September 6, the EU's highest court [backed](#) Intel's appeal of a €1.06 billion fine which dates back to 2009.
- The EU's General Court had rejected Intel's appeal in 2014, leading the company to take the matter to the European Court of Justice (ECJ). The ECJ found that the lower court had ignored important aspects of the Commission's case, and ordered it to re-examine the original decision.
- Intel was fined by the European Commission in 2009 for abusing its monopoly of the computer processor market by pushing manufacturers to buy all their chips from Intel instead of rivals.