

European Regional Bureau Newsletter

(Frédéric Donck)



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Internet Access

EU: Negotiations continue on European Electronic Communications Code

- The negotiations over the EU future framework for the telecommunications sector continue with Parliament and Council still unable so far to find an agreement. The date for the next trilogue on the issue is tentatively scheduled for late May with a final trilogue due on 5 June.
- The issue of symmetrical regulation continues to be a contentious one. Some countries have been pushing for an extension of these rules – which would allow them to impose access obligations on telecom operators even in situations where they do not have significant market power but are instead in a duopolistic market.

EU: Budget boost for digital investment, but ambition still lacking says EP.

- The Commission's proposed budget for 2021 – 2027 includes a [64%](#) increase in funds allocated to [R&D&I](#) as well as [digital](#).
- The EU's flagship R&D programme Horizon2020 would be replaced by "HorizonEurope" and receive a 18% increase in funding from €80bn to €97.9bn, far below the [€120bn](#) called for by the European Parliament or the [€160bn](#) which the EC had itself indicated as its preference back in February 2018.
- Digital spending will nonetheless benefit from a funding boost. The HorizonEurope programme will be complemented by a new €9.2bn Digital Europe Programme dedicated entirely to projects on the Digital Single Market with a focus on Artificial Intelligence, high performance computing, cybersecurity, digital skills and digitizing industry.
- Overall, the combined investments of €12.2bn represent a [nine-fold increase](#) of investments in digital transformation and networks compared to the last budget period.

EU: Commission maintains strong support for net neutrality policy

- The European Commission has published its response to a [parliamentary question](#) by MEP Giulia Moi (EFDD, Italy) asking what measures the EU would take to protect EU citizens who use US Internet connection services following the US government's decision to repeal its net neutrality rules.

- The EC maintains its position of defending an open Internet, citing the successful implementation of the 2015 [Regulation](#) on open Internet access that gives European end-users the right to access and distribute the information, content, applications and services of their choice while banning blocking, throttling and discrimination between content or services.
- The Commission said in its reply that it will continue to closely monitor the situation in the US.

Trust

EU: Andrus Ansip urges rapid up-take of the eIDAS legislation

- Online trust is closely linked to digital identity and authentication, highlights Commissioner for Digital Single Market Andrus Ansip in his latest [blog](#), and as the number of online transactions increases, so will the importance of trusted electronic identification (eID), e-signatures and e-seals.
- To increase the use of online trust services, the Commission designed the [eIDAS Regulation](#) (Regulation on electronic identification and trust services for electronic transactions) to help people in the EU safely shop online or use financial and public services. The Regulation sets out measure for the mutual recognition of national systems.
- But for the legislation to work, the EU's countries must first notify its chosen system for electronic identification to the Commission and to other EU countries, something that only six out of 28 countries (Germany, Italy, Croatia, Estonia, Luxembourg, Spain) have done so far.
- Commissioner Ansip points out that with the legislation coming into force in September this year, the deadline for cross-border mutual recognition is fast approaching, and urges all other Member States to take action in order to boost online security.

EU: Minister Mahjoubi and Commissioner Gabriel set out joint vision on platform regulation

- Digital Economy and Society Commissioner Mariya Gabriel and France's digital secretary, Mounir Mahjoubi, laid out a common approach for regulating online platforms, published in [EurActiv](#) and [Les Echos](#).
- The article highlights the work the EU has done so far on net neutrality, privacy and the draft [regulation](#) tabled last week aimed at protecting SMEs from abusive practices by online platforms, complementing initiatives that have already been released on fighting [illegal content](#) such as hate speech, terrorism or copyright-protected content.
- Looking ahead, the Commissioner and Minister declare Europe must continue to establish itself as the "global regulator of digital technology". They point to the huge lack of knowledge and transparency, particularly around algorithms and data management and call for a robust framework for Internet oversight, one based on models set up for critical infrastructure or financial institutions.
- Finally, they call for sharing of data by private companies to foster more competition through innovation and research.

EU: Public consultation launched on measures to fight illegal online content

- The Commission is collecting evidence on the effectiveness of guidance measures it released back in March in anticipation of further reforms on tackling illegal online content.

- The [Recommendation](#) released March 1 2018 provided advice to Member States on how to best deal with removing illegal content online, with suggestions on submitting and processing notices, out-of-court dispute settlement and encouraging hosting services to adopt stronger safeguards on privacy and clearer explanations of their policies for transparency.
- The consultation will help the EC identify the best approach in adopting additional measures by the end of 2018, to improve the effectiveness of combating illegal content online.
- The [consultation](#) opened to contributions on April 30 and closes on June 25.

EU: Europe's Data Protection Supervisor questions readiness on GDPR

- In a [blog](#) published on Labour Day, Giovanni Buttarelli calls for large companies to stop manipulative approaches to privacy policy in anticipation of the EU's new data protection rules, the General Data Protection Regulation (GDPR), which enters into force later this month on May 25.
- The EU's Data Protection Supervisor explains numerous companies must still make adjustments to satisfy Article 7(4) of the GDPR, which states that consent cannot be freely given if the provision of a service is made conditional on processing personal data that is not necessary for the performance of a contract.
- The Facebook/Cambridge Analytica scandal must serve as a water-shed moment for online companies, says Mr. Buttarelli, urging national controllers in Europe to not only be concerned with compliance but to see responsible data processing as a competitive advantage. More information on this will be released in the EDPS Opinion on privacy by design to be published next week.
- In the meantime, European Data Protection Authorities are collaborating closely, with a new social media subgroup meeting for the first time in mid-May.

UK: Parliament on the future of Internet policy

- The UK's House of Lords Communications Committee launched an [inquiry](#) into the future of Internet regulation in April, and although written evidence is not due before May 11, [oral evidence](#) from academics and market specialists published online this week has already given an idea of the issues that will focus the discussion.
- The feedback to the inquiry highlights the need to better regulate and define platforms, with a globally accepted legal definition of what qualifies as an online platform, and the risks tied to over-regulating smaller platforms potentially creating barriers to access.
- The initial feedback highlights the value of codes of conduct rather than systematically regulating. "Co-regulation" is also talked about as a better alternative to no regulation by Victoria Nash, deputy director of the Oxford Internet Institute, who suggested governments set up a regulatory body to oversee soft and gradual changes in quality standards implemented by companies, for example producing more frequent transparency reports and independent audits of the company's data sets.
- Several respondents agreed that competition law would not fix all of the Internet's problems, and that breaking up platforms may not meet certain public interest goals, and could even have the reverse effect on addressing problems like hate speech. Consolidation rather than fragmentation of Internet platforms should therefore be supported, said these evidence-givers.