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Net neutrality

Germany: O2 to impose data caps for customers exceeding data plans

- **O2 Germany** has announced that it will be implementing **data caps** in the country as of July 2014. This would target customers using more than 300GB of data during 3 consecutive months.
- O2 reassured that this **should not affect the majority of users**, as “according to a recent federal study, the average Internet user in Germany consumes about 13GB per month”.
- The move follows a decision by Germany incumbent **Deutsche Telekom**, which was the first to announce Germany’s first broadband data caps.

EU: Kroes reiterates that the Connected continent proposal strengthens net neutrality

- In a question to the Commission, **MEP Marc Tarabella** (S&D, Belgium) voiced concerns wrt net neutrality provisions as they would favour large content providers to strike deals with ISPs and would therefore hamper the possibilities of small players to gain priority traffic status.
- In her answer, **EU Digital Affairs Commissioner Kroes** underlined that the proposal **prohibits ISPs** to block, throttle, degrade or discriminate traffic, but the proposal allows them to meet end-users’ demands for better service quality for **specialised services**. The provision of those specialised services will by no means hamper the availability of Internet access and will be closely monitored by National Regulatory Authorities, Kroes stated.

Data protection

Stakeholders urge LIBE Committee to promote a level-playing field

- In a statement published ahead of **the vote** of the European Parliament’s Civil Liberties Committee on the **amendments to the proposed data protection Regulation**, ETNO, together with GSMA, ECTA and Cable Europe, call for the MEPs to ensure a **future-proof and flexible data protection framework**.
- The statement underlines that for the European digital economy to thrive, EU rules need to ensure consistency in law, creating a level playing field both for consumers and businesses. The suggested **territorial scope of the Regulation**, applying the same rules to processing of EU citizens’ data irrespective of the service provider location was underlined as a **key element**, together with a risk-based approach and the simplification of international data transfers.
- However, “EU lawmakers would also need to **address the inconsistencies** between the proposed Regulation and the ePrivacy Directive, ensuring functionally equivalent services and data are treated in the same way”.
- The statement also calls on the Commission to **review the current Safe Harbour Agreement**.

Cloud computing

Commission calls for the creation of a trusted European cloud

- Amid the revelations about the **PRISM surveillance** programme, the Commission wants to address the **question of secure cloud computing**. In a recent press release, the Commission has called for the EU to become the world's leading trusted cloud region.
- According to the Commission, trust in cloud computing can be restored with more transparency. Also a better overview of standards, certifications and contract terms can provide more transparency and thus benefit both suppliers and users, underlined the Commission. The Working group on certification has been praised for its work on listing existing certification schemes and setting principles and recommendations.

EU: Private copying levies could apply to cloud computing

- The draft report on the Parliament's own initiative aiming to overhaul the **EU rules on private copying levies** presented by **MEP Françoise Castex** (S&D, France), has been criticised for proposing to place private copyright levies on cloud computing services.
- Under this proposal, private copies of protected works made using cloud computing technology could be subject to levies as they may 'have the same purpose as those made using traditional and/or digital recording media and materials'.
- According to **MEP Christian Engstrom** (Greens/European Free Alliance, Sweden) this provision could lead to consumers being charged for transferring legally purchased content between their private accounts.
- According to the EU Commission's estimates, private copying levies account for over €600 million in 23 of the 28 EU Member States since 2002. In Mrs Castex opinion, Member States should replace their anti-piracy campaigns with campaigns **praising the positive effects of private copying levies**.
- While **GASAC**, the European Grouping of Societies of Authors and Composers, welcomed the report, **Digital Europe** criticised the proposal for failing to acknowledge realities of consumption of cultural products.

General

European Council likely to call for completion of single digital market

- The **European Council** meeting that will take place next week (24-25 October) will focus on the **modernisation of the European digital economy**. Given the growing global competition, the leaders of the EU are expected to propose **a 2015 deadline for the completion of the single digital market**.
- Over the last months, the Commission has presented several proposals (e.g. telecoms package, cloud computing strategy, cyber security) that aim to boost EU's digital economy. Nevertheless, the political discussions of the European Council are expected to clash with the technical issues presented by the Commission. President of the Commission **Barroso** has made a priority of adopting the telecoms package before the next Parliamentary elections while some Member States, including France, are trying to shift the focus from telecoms towards broader digital issues.
- **France** is said to be leading a group of states that consider the discussion of the telecoms package to be premature. The French government is expected to push the EU to **combat tax avoidance** by multinational hi-tech companies and boost online protection of copyrights.
- The summit is also expected to call for the **creation of a single EU market for cloud computing services**, which would be achieved through standard setting and rules on security.

EU: Kroes on tour to convince Member States of telecom package benefits

- Reacting to the scepticism voiced by several stakeholders with regards to the **adoption of the proposed telecom package**, Commissioner Kroes underlined that the overhaul is to be completed by next spring, given the urgency regarding the EU's declining digital economy.
- Ahead of next week's European Council meeting, Commissioner **Kroes visits 14 Member States** to promote the benefits of the proposed reforms. European Parliament's Rapporteur on the dossier, Pilar del Castillo (EPP, Spain) expressed doubts about the timing of the proposal, underlining the need for a deep and thorough debate on important issues.

ETNO calls on the Commission not to hamper sector's revenues

- The representatives of the **European telecommunications sector**, who gathered last week for the Brussels 2013 **FT- ETNO summit**, voiced their support for the need of reform of the EU telecom industry strategy.
- **Luigi Gambardella**, Chairman of the Executive Board of ETNO stated that the main areas of concern of the EU reform are the uncertainty wrt its **direct impact on operators' revenues**.
- ETNO's Chairman called upon the upcoming European Council to establish **future guidelines** for the sector that would especially establish a **level-playing field** between Over-The-Top services (OTT) and telecom services. Support for costly investments in new high-capacity infrastructures; building an open **European Internet model** (*sic*) to guarantee the maximum level of innovation and choice for European consumers; and the **promotion of innovation and entrepreneurship**, should all be the pillars of the re-launch of European (digital) economy, concluded Gambardella.