NEWSLETTER

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A. International Meetings attended by MCA representatives

1. BEREC/IRG Pleanary

The Chairman and representatives from the Malta Communications Authority attended the 4th and final BEREC Plenary meeting of the year which was held in London on the 10th and 11th December 2015. The Plenary saw the election of a new BEREC board and the adoption of its work programme for 2016. The new team will have Wilhelm Eschweiler (BNetzA) as its Chair, with his two assistants Angelo Cardani (AGCOM) and Henk Don (ACM), along with outgoing Chair Fatima Barros (ANACOM) and 2017 Chair-elect Sébastien Soriano (ARCEP).

BEREC had the pleasure of welcoming Commissioner Günther Oettinger, who addressed Europe's regulators on the Commission's vision for a digital single market. Indeed, the main item of the Plenary's agenda was the adoption of BEREC's opinion on the review of the regulatory Framework, an important component of the Commission's overall Digital Single Market strategy. The opinion argues for proportionate regulation that takes account that "connectivity objectives and spectrum capacity requirements for electronic communications services will vary from one member state to another." BEREC believes that top-down harmonisation runs the risk of sterilising spectrum and resulting in inefficient use of this scarce resource, hampering rather than supporting innovation.

The opinion also argues that member states should retain the discretion to define the scope of a universal service obligation that reflects the specific needs of their national market, including setting the particular technical parameters of a broadband access universal service obligation. The Commission is looking to revise the universal service directive (2002/22/EC).

In terms of protecting end users, BEREC, while recognising the importance of general consumer law, says that some sector-specific end-user regulation will remain critical. It is of the view that the telecoms framework should not be extended to all new services which use the Web network for their telecoms services ("over-the-top players" or OTTs).

Other documents were also adopted during the Plenary, including a report on the regulation of oligopolies, another on IP-based interconnection for voice services, a termination rates benchmarking report and a joint BEREC-ERGP (European Regulators group for Postal Services) opinion on cross-border parcels delivery. The next BEREC plenary meeting will take place in Rotterdam (Netherlands) on 25-26 February.

2. BeSmartOnline! – Training Meeting

The MCA attended to a training meeting supporting one of the Authority's project, BeSmartOnline!, which was held in Poland during which various topics were in discussion such as:

The Sexualisation of Childhood

Children are born and evolve into adulthood as sexual beings and there is a large body of literature that outlines the stages of sexual development and the related behaviours that characterise a child's psycho-sexual development. In recent years, with the advent of the internet and online technology, the concept of these behaviours is open to challenge. In their online behaviour children and young people demonstrate a 'knowing' on sexual matters that would have been deemed far beyond what was seen as normal for their age and stage of development fifteen years ago.

Wearable tech

This session focused on the new risks associated with internet enabled wearable technology particularly the information large conglomerates such as Google and Apple will have at their disposal on users of such emerging technology. Can these companies be trusted? To what extent do we want these companies to mine with the excuse of improving customer experience? Will this data be made available to third parties? Despite this, one cannot overlook the importance of the data such technology can provide researchers. A downloadable app, which keeps tracks and stores users in a completely anonymous way, was recently used to ease pedestrian traffic flow in London.

Hacking

Discussed the importance of hacking within the digital world. However, the delineation between ethical hacking and illegal hacking is, as the digital world becomes more complex, becoming less clear. We also discussed extensively about the use of social engineering used by so-called "hackers" to access ones personal information which is today easily accessible on social media, clouds storage services and email – especially when the same login (same service provider) is used.

Data ethics and privacy

The growing mistrust among consumers and citizens towards data companies, has created a new niche market characterised by consumer that want to control their data/digital lives. Some forward-looking companies have already begun using privacy as a competitive parameter and monetising on this need. The presentation looked into consumer trends, the consequences of not being able to control your digital life and examples of this data ethical trend among companies. The audience was also given a number of tips and alternative free services (for email, data storage, chatting etc) which are designed with user privacy in mind, tips on how one can distinguish between those services that can trusted and those that shouldn't were also shared.

3. UNITE IT (Enabling Civil E-participation in Europe) Conference

The "Enabling Civil E-participation in Europe" conference was held on 8th December in the European Parliament in Brussels. The conference is a part of an EU-funded project "Enabling European e-Participation", implemented in 11 countries, aimed at raising awareness about e-participation tools & engaging European citizens in the existing opportunities for e-participation.

The conference objective was to bring together policy-makers, EU officials, e-participation experts, civic activists and citizens at national and EU levels to discuss democratic participation in the digital age. It was also a unique opportunity for the European digital inclusion sector to exchange achievements and ideas with policy makers at EU and national levels.

The conference consisted of two panels:

The role of ICT in active citizenship, moderated by MEP Schöpflin (EPP, Hungary), and *Digital literacy, access and provision of e-services*, moderated by MEP Lauristin (S&D, Estonia).

B. MCA Publications & Website Uploads

1. **The MCA and GRTU launch tools to facilitate the advancement of Maltese SMEs in the digital world**
   Published 23rd December: http://www.mca.org.mt/notices-and-announcements/mca-and-grtu-launch-tools-facilitate-advancement-maltese-smes-digital

2. **Highlights and Activities for Weeks 36 to 39**
   Published 17th December: http://www.mca.org.mt/notices-and-announcements/highlights-and-activities-weeks-36-39-0

3. **Communications Market Review: January to June 2015**
   Published 4th December: http://www.mca.org.mt/reports/communications-market-review-january-june-2015

4. **The provision of call termination on individual public telephone networks at a fixed location in Malta**
   Published 2nd December: http://www.mca.org.mt/decisions/provision-call-termination-individual-public-telephone-networks-fixed-location-malta

C. MCA Events

The Malta Communications Authority and GRTU Malta Chamber of SMEs launched a number of tailored tools that will proactively increase the number of businesses in Malta that have an online presence and are able to compete online during a press conference held on yesterday Tuesday 22nd December at the GRTU premises, in Valletta.

D. Media participation

MCA representatives' participation in television programmes.

1. **Television**

28.12.15:   'Telveto3' – TVM

(Yanika Cassar + Matthew Farrugia –Mobile Data)

bit.ly/1PPT4AF

14.12.15:   'Telveto3' – TVM

(Matthew Bor[– eCommerce)

bit.ly/1kOOEgq

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E. Legal Updates

Case Sittings

➔ 15 December: Vodafone Malta Ltd et vs L-Awtorità ta' Malta dwar il-Komunikazzjoni et pending before the First Hall Civil Court; issue relates to the contestation of the contribution requested by Government in relation to the legal interception requirements of the Security Service. Case stands adjourned to March 2016 for the conclusion of evidence by the parties

F. International News

REGULATION

Advanced Television   *Sweden: ISPs Don't Have to Ban Pirate Bay*

Sweden's ISPs will not be forced to block controversial file-sharing site Pirate Bay, nor be held responsible for copyright infringements by users, a court has ruled [read more].

c|net   *The Battle for Internet Freedom Isn't Over Yet*

It was a landmark year for proponents of an open Internet, but that doesn't mean the debate over Net neutrality has been to put to bed. After nearly a year of intense debate about how to regulate Internet traffic, the Federal Communications Commission in June put into effect a set of Net neutrality rules designed to ensure that all Web traffic is treated the same [read more].

Total Telecom   *EU Unveils Three Digital Single Market Proposals*

As part of its digital single market (DSM) strategy, the European Commission presented three proposals aimed at improving cross-border access to online content and services [read more].

European Council *First EU-wide Rules to Improve Cybersecurity: Deal with EP*

On 7 December 2015, the Luxembourg presidency of the Council reached an informal agreement with the European Parliament on common rules to strengthen network and information security (NIS) across the EU [read more].

Advanced Television   *Free Choice of Router in Germany*

Internet users in Germany will soon be able to choose which modem or router to use for their broadband connection. The German government has abolished ISP locking [read more].

Total Telecom   *Vodafone says FTTH must become norm in Europe*

Vodafone on Wednesday said that fibre-to-the-home (FTTH) must become the norm, not the exception, if Europe is to be competitive against the likes of Japan, Singapore and South Korea [read more].

Policy Tracker   *Brussels Open to Mobile Downlink in Lower UHF Band*

Broadcasters have expressed concerns about the initial legislative proposals put forward by the European Commission and have called for further studies before any action is taken [read more – subscription required].

Policy Tracker *Puerto Rico Goes Dutch for Spectrum Auction*

The spectrum is currently owned by two existing operators and is being sold by a company rather than a regulator. The choice of format was influenced by the 600MHz incentive auction to be held in the US next year [read more – subscription required].

European Council *EU Steps up Cybersecurity: Member States Approve Agreement*

On 18 December 2015, the Permanent Representatives Committee (Coreper) endorsed an informal deal struck with the European Parliament on the first rules to strengthen the security of network and information systems across the EU [read more].

Telecoms.com *Europe Finally Comes to an Agreement on Data Protection*

The European Commission has announced an agreement on data protection reform that is designed to give consumers more control over their personal data and clarify the rules for business [read more].

European Commission *End of Roaming surcharges! Consumers will pay only 1.14 cents/minute for calls received until June 2017*

The Commission has just adopted new implementing rules which set out the maximum charges that consumers can be charged for receiving phone calls when roaming abroad in the EU [read more].

c|net *AT&T, Comcast and T-Mobile Questioned Over Streaming Freebies*

Federal regulators want more information about offers from Internet service providers that allow consumers to stream video and music without eating into their monthly data caps [read more].

Reuters *Brazil Court Lifts Suspension of Facebook's WhatsApp Service*

A Brazilian judge ordered the lifting of a 48-hour suspension of the services in Brazil of Facebook Inc's WhatsApp phone-messaging application, overturning an order from a lower court. The ban lasted about 12 hours until an appeals court judge overturned it [read more].

Total Telecom *YouTube Accuses T-Mobile US of Throttling its Traffic*

YouTube has claimed that T-Mobile US' zero-rated video service, Binge On, is throttling its traffic, despite YouTube not being involved in the programme [read more].

SPECTRUM

Policy Tracker *European Regulators Still Have Doubts About More Centralised Spectrum Policy*

Speaking at the 2015 ECTA Regulatory Conference, senior representatives from the Dutch, French, and UK regulators rejected calls from the European Commission and two telcos for moves to centralise spectrum decision making in Europe [read more – subscription required].

Total Telecom *Ofcom Delays Spectrum Auction Due to 3UK/O2 Merger*

Ofcom has pushed back its planned auction of spectrum in the 2.3-GHz and 3.4-GHz bands until the European Commission has ruled on the merger of UK mobile operators 3UK and O2 [read more].

European Commission *Contributions and Preliminary Trends of the Public Consultation on the Review of the EU Satellite and Cable Directive*

The public consultation on Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (the Directive) was held from 24th August until 16th November 2015 [read more].

Policy Tracker *Speakers at French Spectrum Conference Call for Harmonised Spectrum for IoT*

The Internet of Things (IoT) was a hot topic at the French "Spectre et Innovation" conference, organised by the ANFR, with speakers saying the IoT needs to be able to access harmonised frequencies [read more – subscription required].

Total Telecom *Ofcom Publishes White Spaces Rules*

The UK took another step towards using white spaces spectrum for unlicensed mobile broadband services when regulator Ofcom published rules designed to avoid interference with other spectrum users [read more].

Policy Tracker *US spectrum bills may not see action until 2017*

As 2015 winds down, several US congressional spectrum proposals are in play. But, although spectrum issues are generally bipartisan, it's not clear yet which, if any, bills will advance or when [read more – subscription required].

INTERNET

BBC   *Facebook Bows to Belgian Privacy Ruling Over Cookies*

Facebook has said that it will respond to a privacy ruling in Belgium by requiring users to log in to view pages on the site. The original ruling, made by the Belgian Privacy Commissioner (BPC) in November, relates to Facebook cookies that track the activity of non-users [read more].

Telecoms.com   *Mobile Overtakes Home Broadband Uptake Globally – ITU*

Reports published by both the ITU and Ofcom have given an update on global and UK-centric connectivity, with the former stating that worldwide mobile broadband subscriptions have overtaken the number of households connected to internet for the first time [read more].

Advanced Television   *81% of US households Have Home Broadband*

Consumer research findings from Leichtman Research Group (LRG) indicate that 81% of US households get a broadband Internet service at home, an increase from 26% in 2005 [read more].

Ars Technica   *Verizon to Join AT&T in Charging Companies for "Sponsored Data"*

Verizon is reportedly set to begin testing a sponsored data program that would let companies pay Verizon to deliver online services without using up customers' data plans [read more].

TechnoBuffalo   *Home Broadband use Slips as Consumers Begin to Prefer Mobile Data*

New data from Pew Research Center suggests that home broadband use is on the decline, despite the booming number of popular streaming services and the abundance of content available from those services [read more].

INNOVATION

Telecoms.com   *Vodafone Rolling out 1Gbps FTTH in Ireland and Portugal*

The Vodafone Group has started rolling out fibre to the home (FTTH) programmes in Ireland and Portugal as part of a €600 million network expansion programme [read more].

The Memo *Competition Watchdog Clams TfL's "harmful" and Anticompetitive Uber Clampdown*

The battle between Uber, black cab drivers, Transport for London (TfL) and City Hall took another turn today as Britain's competition watchdog came out in support of Uber [read more].

EurActiv   *MEPs Unite Behind 'pro-Uber' Report*

Members of the European Parliament backed Uber-type companies in the heated debate about the sharing economy, calling on regulators to encourage their development in Europe [read more].

Total Telecom   *Facebook hails Uber deal*

Facebook partnered with car-hailing service Uber to allow members to request a car from within its Messenger app [read more].

The Next Web   *Google Will Soon Let You Translate Messages in other Languages Without Switching Apps*

At Google's for India event in New Delhi, Google's vice president for product management Caesar Sengupta showed off an upcoming feature in the company's Translate service, which makes messaging in multiple languages a lot easier [read more].

WIRED   *Tech and Banking Giants Ditch Bitcoin for Their Own Blockchain*

Several major companies from across both the technology and financial industries—including IBM, Intel, and Cisco as well as the London Stock Exchange Group and big-name banks JP Morgan, Wells Fargo, and State Street—have joined forces to create an alternative to the blockchain, the global online ledger that underpins the bitcoin digital currency [read more].

Engadget   *Comcast Switches on the First Public Gigabit Cable Modem*

Comcast's gigabit internet access doesn't officially go live until sometime in 2016, but that isn't stopping the company from flicking the switch a little early. The cable giant recently activated what it says is the first public-facing DOCSIS 3.1 cable modem in the world -- a fortunate customer in Philadelphia now has the kinds of speeds that previously required either a partial fiber optic link or jumping through lots of hoops [read more].

MERGERS & ACQUISITIONS

Total Telecom   *Nokia's Here Sale to Close This Week*

Deal will complete ahead of schedule following receipt of regulatory approvals. The sale of Nokia's Here mapping business will close soon, four months after it was first announced, the Finnish vendor revealed [read more].

Telecoms.com   *European Commission Won't Let UK Rule Over O2/3 Merger*

The European Commission has said it will not refer the planned acquisition of Telefónica UK by Hutchison to UK competition authorities because, it says, the EC is "better placed to ensure consistency in the application of merger control rules in the mobile telecommunications sector across the European Economic Area (EEA)" [read more].

POST

Post & Parcel   *Ofcom Publishes Annual Monitoring Update on UK Postal Market*

In its annual monitoring update on the UK postal market, the regulator Ofcom has reported that "the vast majority of consumers are satisfied with their postal services and that prices remain affordable for almost all consumers" [read more].

Post & Parcel   *Abandonment Issues*

High delivery costs are the no.1 reason for abandoning online shopping baskets, according to new research from B2C Europe. The research, which was conducted for B2C Europe by Bluebeez, analysed consumers' shopping habits online across eight major European markets, and in particular why someone would abandon their online purchases [read more].

Post & Parcel   *French Authorities Fine Parcel Delivery Firms for Antitrust Breaches*

France's competition authority, l'Autorité de la Concurrence, has fined 20 courier companies a combined €672m for antitrust breaches [read more].

TELEVISION

Venture Beat   *TV Viewing Survey Shows Rise of Tablets, Decline of Pay TV, and Boost for 'Cord Cheaters'*

TV viewing habits are changing in the age of anywhere, anytime media. A survey from Tivo's Digitalsmiths division shows the rise of tablet viewing, a decline in pay TV, and a boost in "cord cheaters," or viewers who avoid cable subscription fees by using third-party Internet services [read more].

Advanced Television   *Ofcom Consults on Future Regulation of VoD*

Ofcom has published a statement on the future regulation of on-demand programme services (ODPS), following the closure of the Authority for Television On Demand (ATVOD) [read more].

eCOMMERCE

Ecommerce News *Europe Wants Guarantee Period of 2 Years*

The European Commission has presented a proposal which equalizes the guarantee period for consumers who shop online in all member states [read more].

Post & Parcel   *Cheaper Cross-Border Parcel Delivery to Boost e-Commerce in the EU*

Almost 4 billion parcels are ordered online and delivered every year in the EU. But the potential for e-commerce is much greater – while 44% of consumers buy online in their own country, far fewer (15%) order online from another country [read more].