

**Transport, Telecommunications and Energy Council
(Telecommunications issues)
Brussels, 3 December 2019**

Chair: **Sanna Marin**, Minister for Transport and Communications of Finland

The **meeting** will **start** at 9.30

The Council will assess the progress made on a proposal to update **privacy rules for electronic communications (ePrivacy)**.

Ministers will then hold a policy debate on the **European Union as a hub for ethical data use**.

The Council will also adopt conclusions on the **significance of 5G to the European Economy and the need to mitigate security risks linked to 5G**.

Under 'Any other business', the presidency will update ministers on the current legislative proposal on the European Cybersecurity Competence Centre and the Network of Coordination Centres.

The presidency will brief ministers on the Data Economy Conference and Digital Government Conference, which were both held in Helsinki this autumn.

The incoming Croatian presidency will present its work programme.

Over lunch, ministers will have an informal discussion on artificial intelligence and automation.

Press conference: +/- 14.30

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[Transport, Telecommunications and Energy Council \(Telecommunications\) meeting page](#)

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¹ This note has been drawn up under the responsibility of the Press Office.

ePrivacy

The Council will take note of the progress achieved on a proposal to update **privacy rules for electronic communications (ePrivacy)** (progress report: [14447/19](#)).

The draft regulation sets out to ensure a high level of protection for private life, communications and personal data in the electronic communications sector. It also aims to create a level playing field for providers of various services and to ensure free movement of electronic communications data and services in the EU. It will replace the [current ePrivacy directive](#), which was last updated in 2009, and complement the [general data protection regulation](#), which became applicable on 25 May 2018.

Under the [proposal on e-privacy](#), confidentiality of communications would apply both to the content of the communication and to the metadata - for example, the identity of the individual called, the timing and location of calls and websites visited. The proposal also includes stronger rules on spam and marketing calls.

The scope of privacy rules would be extended to cover not only traditional telcos, but also providers of new services such as instant messaging apps and web-based email.

The Commission has also proposed new rules on cookies and on the consent required to access information on a user's device.

Regarding the latest developments at Council meetings, the **Telecom Council** held an exchange of views on the proposal in December 2018 and, in June this year, it took stock of the progress achieved up to that point ([9351/19](#)).

This autumn, the **Finnish presidency** has worked intensively on the proposal. It has addressed all major issues raised by delegations, such as prevention of child abuse imagery, protection of terminal equipment information, the scope of the draft regulation, data retention, cooperation among various authorities, the role and involvement of the European Data Protection Board, and the way in which the ePrivacy proposal would interact with new technologies, in particular in the context of machine-to-machine communication and the internet of things. For more details on this work, please see the progress report.

Procedure: The Commission presented its proposal in January 2017. It is one of the actions under the digital single market strategy to reinforce trust and security in the digital single market.

For it to be adopted, the text will need to be approved by both the Council and the European Parliament. The Parliament adopted its negotiating mandate in October 2017.

[Digital single market for Europe \(background information\)](#)

European Union as a hub for ethical data use

The Council will hold a policy debate on the **European Union as a hub for ethical data use** (presidency background document [14070/19](#)).

The importance of data in today's economy and society is unquestionable. The European Council and the Council have recently given strategic directions stressing the need to further develop the data economy, and the EU has already adopted some relevant legislation in this area, for example concerning the protection of personal data, the free flow of non-personal data, and wider availability of public sector data.

The [new strategic agenda 2019-2024](#) agreed by the European Council in June 2019 sets the priorities for the EU for the next five years. One of the priorities is 'developing our economic base – the European model for the future', which recognises the significance of digital transformation in this context and stresses the importance of further work on all aspects of the digital revolution, including data.

The [Council conclusions on the future of a highly digitised Europe beyond 2020: 'Boosting digital and economic competitiveness across the Union and digital cohesion'](#), adopted in June 2019, also emphasised the need for the continued promotion, development and deployment of the European data economy.

In 2018, the EU adopted the [free flow of data regulation](#) to promote the use of cloud services by prohibiting unjustified localisation restrictions for non-personal data. The regulation also facilitates switching of cloud service providers for professional users, including through the development of self-regulatory codes of conduct on data porting.

The [directive on open data and the re-use of public sector information](#), adopted in June 2019, will increase the availability of data from the public sector. With these rules, the public sector is leading by example in the area of data sharing.

The EU has also set global standards in the field of personal data protection by adopting the [general data protection regulation](#), which has applied since May 2018. The GDPR strengthens individuals' rights to govern their data use, and thus creates a cornerstone for a human-centric data economy.

While these important building blocks are now in place, the picture of the EU data economy and society is not yet complete. To outline the direction to be taken for the next steps, the presidency will invite ministers to address the following questions:

- *In addition to the actions already taken, what are the actions and instruments that are urgently needed to boost the European data economy and to make the European Union a hub for ethical data use?*
- *What measures can be taken to encourage business-to-business data sharing in Europe over the next five years?*
- *With regard to algorithms and intelligent and autonomous systems, what can be done to promote and ensure human-centricity, privacy and security in order to build trust in the data economy?*

The ministers' debate will guide future work in this area.

5G – significance and the need to mitigate security risks linked to 5G

The Council is due to adopt conclusions on the **significance of 5G to the European economy and the need to mitigate security risks linked to 5G**.

The EU has adopted legislation for addressing cybersecurity risks linked to 5G, in particular the directive on the security of network and information systems (NIS) from 2016 and the European electronic communications code from 2018. The European cybersecurity certification framework established by the Cybersecurity Act, adopted in April this year, is expected to enhance the level of cybersecurity for ICT products, services and processes.

Among ongoing proposals related to the Multiannual Financial Framework, the proposed Digital Europe Programme will prioritise cybersecurity, and the proposed Connected Europe Facility (CEF) includes an initiative on 5G TEN-T (trans-European transport network) cross-border corridors.

Specific European efforts to increase the security of 5G networks are ongoing, based in particular on the Commission recommendation on cyber security of 5G networks ([8068/19](#)). A European coordinated risk assessment was published in October 2019 as a first deliverable following the recommendation, and a 5G security toolbox to identify common methodologies and tools to mitigate risks related to 5G networks is expected by the end of this year.

The conclusions to be adopted by the Council are expected, among other things, to identify a number of building blocks of 5G network security and to make statements on the diversification, reliability and trustworthiness of suppliers of key components. The conclusions will be made public after their adoption by the Council. They will also be published in the EU official journal.

[Cybersecurity in Europe: stronger rules and better protection](#) (background information)

[Presidency press release on member states' report on EU coordinated risk assessment of 5G network security](#)

Other business

- Current legislative proposal: regulation establishing the European Cybersecurity Competence Centre and the Network of Coordination Centres
 - *Information from the presidency*
 - Data Economy Conference (Helsinki, 25-26 November 2019)
 - *Information from the presidency* ([14353/19](#))
 - Digital Government Conference (Helsinki, 22 October 2019)
 - Information from the presidency ([14377/19](#))
 - Work programme of the incoming presidency
 - Information from the Croatian delegation
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