

# Meeting between Director General Roberto Viola and Facebook, in the context of the upcoming regulatory initiatives

**Date:** 19/04/2016

**Venue:** BU25 6/183

**List of participants:**

External

[REDACTED], Facebook

[REDACTED], Facebook

DG CONNECT

Roberto VIOLA (RV) - Director General

[REDACTED] Note taker

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## Purpose of the meeting:

[REDACTED] wanted to discuss upcoming telecommunication policy issues including better regulation, deregulation, the role of OTT's and network neutrality.

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## Main topics discussed:

RV gave an overview of ongoing initiatives:

- *Audiovisual Media Services Directive (AVMSD)*: RV explained that the new AVMS rules, which will be presented before the summer, will also concern TV-like experience with user generated content, i.e. what should be done in the area of children-protection, fight against hate speech etc. RV emphasised that social media is in principle not covered by the AVMSD.
- *Geoblocking*: New rules will prevent unjustified geo-blocking of customers.
- *Platforms*: There will be an announcement on platforms before the summer, regarding what the Commission intends to do/not to do in this context.
- After the summer the new copyright rules and the new telecom rules will be adopted.
- *Copyright rules*: RV explained "the value gap" issue. It has to be clarified what is passive hosting (like Dropbox) and what is when the provider is also organising and selling copyrighted content (like music in case of Spotify). On 9 Dec. the Commission published its plans as regards copyright. RV invited Facebook to submit an answer to the ongoing public consultation.
- *Telecom rules*:
  - RV emphasised that it should be avoided that Member States come up with their own definitions in this domain. RV explained that the goal is to clarify, what can be defined as a communication service. If a service uses public resources, like numbering resources, then it is different than a service that doesn't utilise it.
  - Also coherence should be ensured with the new e-privacy rules. There should not be differences between traditional and online service provider (OSP) messages, as all messages should be private and confidential. RV mentioned that in Europe customers and relevant authorities have to be notified about security breaches. Decisions regarding e-privacy rules will be taken after the summer.
  - The Commission's goal is to achieve a level playing field, not to apply new rules on OSPs, if not necessary.

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- [REDACTED] agreed that this is a good approach and that it is important to differentiate between the infrastructure layer and the service layer. He also raised that the SMS service of incumbents should be re-examined as well, especially bundling voice and SMS. Customers should be able to choose alternative services for SMS (like WhatsApp). RV highlighted in this context the differences between the two messaging services. The traditional SMS is a paying service, using numbering resources and subject to interoperability rules. The WhatsApp business model is different, it is based on network growth, that's why it is offered for free. The two shouldn't be mixed up. However, an interoperability requirement could be considered.
- RV underlined that considering rules for OSPs is an unprecedented situation that can be left to self-regulation, but a minimum set of reasonable rules is better than letting governments apply different rules. He also referred to the leading role of Europe in this domain.

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**Operational conclusions:**

- RV suggested that Facebook's WhatsApp team gets in contact with the telecom review team of the Commission in order to organise an informal workshop and discuss about interoperability, switching, the future business model of WhatsApp and their views in the context of the review.

**Of interest to:**

Roberto VIOLA; [REDACTED]; [REDACTED]; Anthony WHELAN; [REDACTED]  
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];  
[REDACTED]  
[REDACTED]

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