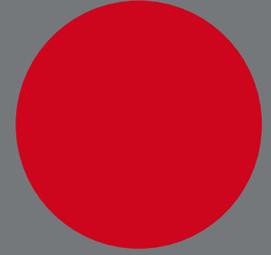


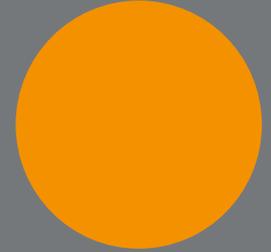
Commercially connected
June 2020



Impact



Immediate



Impact in the near future



On the horizon

Introduction

Welcome to the Eversheds Sutherland monthly commercial law update, covering both case law and regulatory development. *This report is intended to give you a general overview of legal developments in certain areas. It is provided for information purposes only and is not intended to be comprehensive or to constitute advice on which you may rely.*

Click on your topic of interest below

Focus on
Coronavirus

Brexit

Commercial -
general

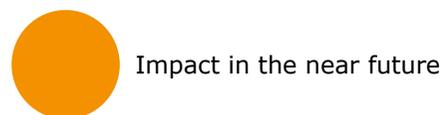
Consumer

Cyber security

Data protection
and privacy

Technology

Development	Summary	Supporting information	Impact
Coronavirus hub	Click on the link to visit our global coronavirus hub.	Coronavirus legal hub	
UK legislation	<p>The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020 and The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 4) Regulations 2020 entered into force this month. They apply to England only and amend the original restriction regulations to reflect the gradual relaxation in lockdown rules. Equivalent legislation reflects the different lockdown rules in each of Scotland, Wales and Northern Ireland.</p> <p>The Corporate Insolvency and Governance Bill (which we reported on in last month’s edition of Commercially Connected) had its third reading in the House of Lords on 23 June and is due back in the House of Commons on 25 June. See our briefings and articles hub for our latest briefings on the Bill.</p>	<p>The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020</p> <p>The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 4) Regulations 2020</p> <p>Corporate Insolvency and Governance Bill</p> <p>Eversheds Sutherland UK briefings and articles hub</p>	<p>●</p> <p>●</p>
UK Government trade credit insurance guarantee scheme	On 4 June the UK Government provided more information on its trade credit insurance guarantee scheme, announcing that it would provide guarantees of up to £10 billion to trade credit insurance schemes for business to business transactions. The announcement states that the scheme is to be available on a temporary basis for 9 months, backdated to 1 April 2020 and available to insurers operating in the UK market.	Press release	●
Working groups to plan for recovery of the UK economy	The UK Business Secretary has created five business-focused working groups as part of the plans to help the UK economy recover from the COVID-19 pandemic. The groups will consider the future of industry, green recovery, backing new business, increasing opportunity and “the UK open for business”.	Press release	●
BIICL publishes second concept note	The British Institute of International and Comparative Law has published a second concept note on the effect of the coronavirus	Concept Note 2	●



Development	Summary	Supporting information	Impact
	<p>pandemic on commercial contracts. This argues that the best policy approach for many contracts in order to deal constructively with the impact of the pandemic and to facilitate global recovery is for the law:</p> <ul style="list-style-type: none"> • to support negotiated solutions to make viable contracts work; • to support negotiated solutions bringing unviable contracts to an end in an equitable manner; • to encourage parties to use ADR where negotiation fails; and • to encourage online hearings where court proceedings are required but cannot be safely carried out in person and expedited procedures should be encouraged. 		
<p>FCA test case on business interruption insurance and COVID-19</p>	<p>The Financial Conduct Authority (“FCA”) has issued updates on its test case of the validity of business interruption insurance claims in the context of the COVID-19 pandemic which we reported on in last month’s edition of Commercially Connected. The claim was started in the High Court on 9 June and it is anticipated that the hearing will take place in the second half of July. The results of the test case will be binding on those insurers that are parties to the case in respect of the interpretation by the court of the representative sample of policy wordings that are being considered. It will be persuasive guidance for the interpretation of similar policy wordings and claims and can be taken into account in other court cases and by the FCA in looking at whether insurers are handling claims fairly.</p> <p>On 17 June the FCA issued its finalised guidance, together with a feedback statement, following its consultation setting out its expectations for insurers and insurance intermediaries when handling claims and complaints for business interruption policies during the FCA’s test case. Click on the link to read an Eversheds Sutherland briefing on this guidance.</p>	<p>FCA business interruption insurance page</p> <p>Eversheds Sutherland briefing</p>	
<p>CIArb and CEDR collaborate to create The Pandemic Business Dispute Resolution Service</p>	<p>The Chartered Institute of Arbitrators (CIArb) and the Centre for Effective Dispute Resolution (CEDR) have collaborated to launch The Pandemic Business Dispute Resolution Service which is intended to be a low-cost, constructive path to resolution of disputes arising from the coronavirus pandemic.</p>	<p>The Pandemic Business Dispute Resolution Service</p>	



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Development	Summary	Supporting information	Impact
European Commission recovery plan	<p>The European Commission has published its proposal for a plan to recover from the COVID-19 pandemic and an emergency temporary recovery instrument, Next Generation EU. The budget for this will be invested across the three pillars of:</p> <ul style="list-style-type: none"> • support to Member States with investments and reforms; • kick-starting the EU economy by incentivising private investments; and • addressing the lessons of the crisis. <p>Following announcement of this proposal the European Commission has also launched a major review of EU trade policy (see the general commercial section below).</p>	Press release	
WTO reports	<p>The World Trade Organisation has released a report on how the COVID-19 pandemic has affected trade in services, suggesting that services trade will be key to global economic recovery.</p> <p>It has also issued a report examining the impact of the COVID-19 pandemic on small businesses, noting that supply chain disruption can have a particularly severe impact on MSMEs.</p>	WTO report on trade in services WTO report on small businesses	
UNCTAD World Investment Report 2020	<p>The United Nations Conference on Trade and Development has issued its World Investment Report 2020 which shows that international production will be subject to significant transformation in the next decade as the coronavirus pandemic amplifies existing challenges including the new industrial revolution, growing economic nationalism and focus on sustainability.</p>	UNCTAD World Investment Report 2020	

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Development	Summary	Supporting information	Impact
	Click on the link to access our Brexit hub.	Brexit hub	
UK-EU negotiations on the future relationship between the UK and the EU	<p>The House of Commons Library has published a research briefing on the first three rounds of negotiations on the future UK-EU relationship and the draft agreement put forward by the European Commission on 18 March.</p> <p>The fourth round of negotiations on the future UK-EU relationship took place from 2 to 5 June. David Frost, on behalf of the UK Government, stated that progress was limited but talks were positive in tone. He noted, however, that the UK is close to reaching the limits of what it can achieve through the format of remote formal negotiation rounds. On behalf of the EU, Michel Barnier stated that there had been no substantial progress, accusing the UK of backtracking from the commitments it made in the Political Declaration. He noted that in order to ratify a deal by the end of the year (when the transition period will come to an end) a full legal text would be required by 31 October at the latest.</p> <p>The UK-EU Withdrawal Agreement Joint Committee met on 12 June to review progress on implementation of the Withdrawal Agreement and made a Decision to amend ten minor errors and omissions in the Withdrawal Agreement. Council Decision 2020/769 establishing the position to be adopted by the EU on this matter was subsequently published in the OJEU and will become binding once adopted by the Joint Committee by mutual consent. The Joint Committee is scheduled to meet again in September.</p> <p>On 15 June, as required by the Political Declaration, there was a high-level UK-EU meeting on the future UK-EU relationship negotiations. At that meeting the UK and the EU agreed that in order to try to conclude and ratify a deal before the end of 2020 negotiations will be intensified in July. At that meeting it was also made clear that the UK Government</p>	<p>House of Commons Library briefing</p> <p>UK Government statement on fourth round of negotiations</p> <p>European Commission statement on fourth round of negotiations</p> <p>UK Government news story on second meeting of the Withdrawal Agreement Joint Committee</p> <p>European Commission press statement following the second meeting of the EU-UK Joint Committee</p> <p>Council Decision (EU) 2020/769</p> <p>UK Government press release: EU-UK statement following the High Level Meeting on 15 June</p> <p>Committee on the Future Relationship with the European Union report</p>	



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Development	Summary	Supporting information	Impact
	<p>will not request an extension to the transition period and so transition will end on 31 December 2020.</p> <p>Separately, the UK and EU have agreed an addendum to the Terms of Reference on the UK-EU Future Relationship Negotiations which means that there will be further negotiating rounds in July, August and September, unless agreed otherwise.</p> <p>On 19 June the House of Commons Committee on the Future Relationship with the European Union published a report on the need for progress in negotiations. This report examines the impact of the COVI-19 pandemic on negotiations and outlines what needs to change in order for an agreement to be reached with the EU before the end of the transition period, as well as the preparations required to ensure that UK businesses are ready for the changes that come into force on 1 January 2021 whether or not there is a deal. The report's key recommendations include that intensified face-to-face negotiations are needed in order for progress to be made, political leadership is required if the deadlock is to be broken, more detail on the checks that will be required for trade between Great Britain and Northern Ireland under the Ireland/Northern Ireland Protocol are needed, new border arrangements need to work for all concerned and the UK Government must prepare for the possibility of no deal.</p>		
Extending the transition period	<p>The transition period is due to end on 31 December 2020. The Withdrawal Agreement provides for a one-off extension of the transition period for up to two years but this extension has to be agreed by 1 July 2020. Not only the duration of the extension but also agreement on a UK financial contribution to the EU for the extension period would need to be agreed by this date. In the UK domestic legislation would also be needed to repeal Section 15A of the European Union (Withdrawal) Act 2018 (which effectively prohibits UK ministers from agreeing to extend the transition period) and to change the definition of IP Completion Day in the European Union (Withdrawal Agreement) Act 2020.</p> <p>As reported above, the UK Government has informed the EU that it will not consider an extension of the transition period.</p>	House of Commons Library briefing	



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Development	Summary	Supporting information	Impact
	<p>The House of Commons Library has published a research briefing on extending the transition period, which provides an overview of both the process and the debate on whether or not the period should be extended.</p>		
<p>House of Lords Select Committee on the Constitution report on the constitutional issues and Brexit</p>	<p>The House of Lords Select Committee on the Constitution has published a report on the constitutional issues and legislative challenges of delivering Brexit, highlighting the risks of granting delegated powers and recommending that powers for UK ministers to make delegated legislation in devolved areas should include a requirement to consult with or obtain the consent of devolved ministers. The report also concludes that it was inappropriate to grant broad ministerial powers (in the European Union (Withdrawal Agreement) Act 2020) to determine which courts may depart from CJEU case law and to give interpretative direction in relation to the meaning of retained EU law and recommends that the Government should publish for consultation any draft regulations it intends to make in exercise of that power.</p>	<p>Report</p>	
<p>Ireland/Northern Ireland Protocol</p>	<p>The House of Lords EU Select Committee has published a report on the Ireland/Northern Ireland Protocol, warning that time is running out for the UK Government to provide certainty to Northern Ireland businesses before 1 January 2021 when the Protocol becomes operational. The report highlights what it calls the tension at the heart of the Protocol, namely between Article 4, which states that Northern Ireland is part of the customs territory of the UK, and Article 5 which applies EU customs legislation, including the Union Customs Code, to Northern Ireland and which retains a single regulatory zone for goods in Ireland in order to avoid a hard border between Ireland and Northern Ireland. It states that the UK Command Paper on the Protocol issued on 20 May does not address this contradiction and fails to adequately explain what processes will be put in place.</p> <p>In his statement on the fourth round of negotiations between the UK and the EU, Michel Barnier also referenced the UK Command Paper and stated that some of the objectives set out in it, such as avoiding exit declarations on goods moving from Northern Ireland to Great</p>	<p>Report HMRC questionnaire</p>	



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Development	Summary	Supporting information	Impact
	<p>Britain, are incompatible with the legal commitments accepted by the UK in the Protocol.</p> <p>Separately, HMRC has issued a questionnaire for businesses who move goods between Great Britain and Northern Ireland in order to identify businesses affected and offer them the chance to receive more information and updated guidance.</p>		
<p>UK border controls after the transition period</p>	<p>The UK Government has announced that border controls for goods imported into Great Britain from the EU will be introduced in stages at the end of the transition period in order to give businesses affected by the impact of coronavirus more time to prepare. The stages are:</p> <ul style="list-style-type: none"> • From January 2021 basic customs requirements will apply to the import of standard goods. Traders will have up to six months to complete customs declarations and payment of tariffs can be deferred until the customs declaration has been made. Traders will have to consider how they will account for import VAT. Customs declarations will be required for controlled goods such as alcohol and tobacco and there will be checks on these. Traders importing live animals and high-risk plants and plant products will need to have pre-notification and health documentation, and pre-notification documentation will also be needed for imports of high-risk animal by-products. Physical checks on these goods will take place at the point of destination or other approved premises. • From April 2021 all products of animal origin and all regulated plants and plant products will require pre-notification and relevant health documentation. • From July 2021 traders moving all goods will have to make declarations and pay relevant tariffs at the point of importation. Full Safety and Security declarations will be required and there will be an increase in physical checks and the taking of samples for Sanitary and Phytosanitary commodities. Checks for animals, plants and their products will take place at GB Border Control Posts. 	<p>UK Government news story</p>	



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Development	Summary	Supporting information	Impact
Inquiry into future UK-EU trade in manufactured goods	The House of Lords EU Goods Sub-Committee has launched an inquiry on facilitating future UK-EU trade in manufactured goods. The inquiry is to look into the impact that non-tariff barriers (such as rules of origin or regulatory requirements) may have on future UK-EU trade in manufactured goods and how any adverse effects could be minimised. The Committee invites evidence to be submitted by 28 June 2020. It aims to report in the autumn.	Inquiry	
European Commission readiness notices	<p>The European Commission is in the process of reviewing and updating all the sector specific stakeholder preparedness notices that it published during the Article 50 period. Each updated notice will become a “readiness notice” to reflect the fact that it is intended to provide information necessary for public administrations, businesses and citizens to be ready for the impact of the end of the transition period. Readiness notices already published include those on:</p> <ul style="list-style-type: none"> • e-commerce • electronic identification and trust services for electronic transactions • geo-blocking • security of network and information systems 	European Commission readiness notices	

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Development	Summary	Supporting information	Impact
Regulation EU 2019/1150 on promoting fairness and transparency for business users of online intermediation services	This EU Regulation comes into effect on 12 July 2020. It sets out a legal framework for online intermediation services providers (such as online marketplaces, online software application stores, online social media) and online search engines to use transparent terms and conditions for business users and to provide redress if those terms and conditions are violated. Key terms include requiring platforms to be transparent with business customers about suspension and delisting practices, main parameters determining ranking, possibilities for business users to influence ranking and what information it has given about a business's sales.	Regulation	
European Commission review of EU trade policy	The European Commission has launched a major review of the EU's trade policy in response to a variety of new global challenges and taking into account the lessons learned from the coronavirus crisis. A consultation is currently open which focuses on building a resilient and sustainable EU economy after coronavirus, reforming the WTO, creating global trade opportunities for businesses, addressing key global challenges including climate change, sustainable development and the digital transition, strengthening trade and investment relationships with key partners and improving the level playing field. The consultation is open until 15 September 2020 and its results will feed into a communication which the European Commission intends to publish towards the end of 2020.	Press release	
European Commission White Paper on foreign subsidies in the Single Market	The European Commission has adopted a White Paper dealing with the distortive effects caused by foreign subsidies in the Single Market. The aim is to address a perceived regulatory gap where foreign subsidies facilitate acquisitions of EU companies, support the operation of a company in the EU or facilitate bidding in a public procurement procedure. It is open for consultation until 23 September 2020, following which the Commission intends to make legislative proposals in this area.	Press release	



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Development	Summary	Supporting information	Impact
IOSCO consults on outsourcing principles	The International Organization of Securities Commissions (“IOSCO”) is consulting on proposed updates to its principles for regulated entities that outsource functions to service providers. The consultation ends on 1 October 2020. Eversheds Sutherland is pleased to announce its appointment by the Global Financial Markets Association (“GFMA”) to work alongside its three trade associations, specifically AFME, ASIFMA and SIFMA, in preparing a consolidated response to this consultation. Click on the link to read an Eversheds Sutherland briefing for more information.	IOSCO media release homepage Eversheds Sutherland briefing	
Government guidance on PFI/PF2 contracts and COVID-19	The UK Government has updated its guidance and FAQs on supporting vital service provision in PFI/PF2 contracts during the COVID-19 emergency. This is intended to be read alongside PPN 02/20. It emphasises that PFI contractors should consider themselves to be part of the public sector response to the COVID-19 emergency and that they should cooperate to ensure the continued delivery of public services.	Guidance	
PPN 04/20: recovery and transition from COVID-19	The UK Government has issued Procurement Policy Note 04/20 on recovery and transition from COVID-19. This updates and builds upon PPN 02/20 and is effective from 1 July to 31 October 2020. It focuses on the need for contracting authorities and suppliers to work together to plan how to exit from any contractual relief measures presently in force and transition to a new, sustainable operating model in the context of the potential long-term nature and impact of COVID-19.	PPN 04/20	
PPN 05/20: the outsourcing playbook v2.0	The UK Government has issued Procurement Policy Note 05/20 setting out guidance on the updated outsourcing playbook (version 2.0) which sets out how departments should approach outsourcing projects. The first version of the outsourcing playbook was issued in February 2019 in the wake of the collapse of Carillion. Version 2.0 supersedes that document, building upon the first version and improving on how public bodies deliver public services with the private sector by: <ul style="list-style-type: none"> reframing guidance on “make or buy” as “delivery model assessments” to determine who is best placed to deliver a public service; 	PPN 05/20	



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	<ul style="list-style-type: none"> providing additional guidance on the eleven key policies to support implementation; and linking to commercial policy priorities, highlighting lessons learnt from best practice and the Government's approach to contract management. 		
NAO report on managing PFI assets and services as contract end	The National Audit Office has published a report on managing PFI assets and services as contracts end, focusing on both challenges and best practice. The report recommends that preparations for the end of a PFI contract should start early and that a collaborative approach will help to ensure a successful contract exit.	Report	
High Court construes deed to correct an obvious mistake	In Pathway Finance Sarl v London Hanger Lane Centre Ltd the High Court considered a batch of deeds of accession to a security agreement which had been registered at Companies House, all of which referred to the wrong date of the security agreement. The High Court found that they could be construed as containing reference to the correct date. This was a matter of construction, as it was clear what had gone wrong with the language of the documents. As the documents were registered at Companies House the Court also had to consider the position of third parties to whom the documents were addressed (this has to be taken into account when construing public documents). The Court concluded that relevant third parties were those who might consider granting credit to or taking security from the company and that any such person who noticed the discrepancy and enquired about it would find out the true situation. Therefore that true situation could be taken into account for the purpose of construction.	Judgment	
How a particular lien arises	In Sheianov and another v Sarner International Ltd the High Court had to consider whether a particular lien had arisen. A particular lien is where a person claims a right to retain particular property because it has expended labour or money on that property. This right typically arises where a person has not been paid for work that they have carried on another person's property. The Court concluded that the essential requirements for exercise of a particular lien include: <ul style="list-style-type: none"> a particular lien can only operate on something physical, a chattel; 	Judgment	



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	<ul style="list-style-type: none"> • work must be done “on” the chattel being detained and not merely “with”, “using” or “in relation to” it; • the work must improve or give additional value to the chattel; • the improvement need not be physical but it must be inherent to the chattel itself; and • if the work is of a hybrid nature, some of which is apt to create a particular lien and some not, if the work cannot be severed into the two constituent parts no particular lien is created. 		

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Development	Summary	Supporting information	Impact
CMA investigation into fake and misleading online reviews	The Competition and Markets Authority ("CMA") has launched an investigation into several major websites to see whether they are doing enough to protect shoppers from fake and misleading reviews. The investigation will include consideration of suspicious reviews, whether businesses are manipulating the presentation of reviews and how they handle reviews for which the reviewer has been paid or given another incentive.	CMA news story	



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<p>Post-implementation review of the NIS Regulations</p>	<p>The UK Government has carried out a post-implementation review of the effectiveness, implementation and costs and benefits of the Network and Information Systems Regulations (“NIS Regulations”) which have now been in force for two years. The purpose of the NIS Regulations is to improve the security of network and information systems which are critical to the provision of essential services and certain digital services, the disruption of which could cause significant harm. They apply to operators of essential services in the transport, energy, water, health and digital infrastructure sectors and to relevant digital service providers.</p> <p>The review concludes that, whilst it is too early to judge the long term impact of the NIS Regulations, actions are being taken in line with their objectives which is likely to be leading to a reduction in risks. However, there is room for improvement and this needs to be accelerated. The Government is therefore intending to consult on amendments to the NIS Regulations to improve their effectiveness. Issues that they will be seeking to address include the following:</p> <ul style="list-style-type: none"> ensuring that competent authorities have cost recovery powers that allow them to effectively conduct regulatory activity (this will require primary legislation); amending the current review mechanism in Regulation 19 to reduce risk borne by competent authorities and to provide a more robust appeals mechanism; considering whether designation thresholds are set at the right level; considering amendments to the enforcement regime to provide further clarity to stakeholders and to ensure that the Regulations are effective; making amendments to the incident thresholds for relevant digital service providers as the current thresholds are set at an EU-wide level, as well as assessing the incident thresholds 	<p>Review</p>	



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	<p>for operators of essential services to ensure they remain relevant and effective; and</p> <ul style="list-style-type: none"> giving support to manage supply chain risk; the forthcoming Cyber Securities Incentives and Regulation Review will consider what support Government can provide to procurers in this regard. 		
<p>The Cyber (Sanctions) (EU Exit) Regulations 2020</p>	<p>These Regulations will come into force at the end of the post-Brexit transition period. They are made under the Sanctions and Anti-Money Laundering Act 2018 and are intended to ensure that the UK can operate an effective cyber sanctions regime after expiry of the transition period. They will replace, for the UK, the pan-EU cyber-security sanctions regime which is aimed at deterring and responding to cyber-attacks or attempted cyber-attacks with a significant or potentially significant effect which constitute an external threat to the European Union or its Member States.</p> <p>The Regulations confer a power on the Secretary of State to designate persons who are or have been involved in relevant cyber activity. Relevant cyber activity includes that which undermines or is intended to undermine the integrity, prosperity or security of the UK or another country; causes or is intended to cause economic loss to or to prejudice the commercial interests of those affected by the activity; or undermines or is intended to undermine the independence or effective functioning of an international organisation or a non-governmental organisation or forum whose mandate or purposes relate to the governance of international sport or the internet. Designated persons may be excluded from the UK and may be made subject to financial sanctions.</p>	<p>The Cyber (Sanctions) (EU Exit) Regulations 2020</p>	
<p>Fund for assurance schemes for consumer IoT security</p>	<p>Under the Code of Practice for Consumer IoT Security manufacturers are encouraged to demonstrate that products have undergone independent testing or a robust self-assessment process. The UK Government has now launched a fund for innovators to design assurance schemes for consumer IoT security. This is open for applications until 30 June 2020.</p>	<p>Press release</p>	



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Development	Summary	Supporting information	Impact
UK Department for Digital, Culture, Media and Sport publishes response to consultation on Cyber Security Breaches Survey	<p>The Department for Digital, Culture, Media and Sport (“DCMS”) carried out a public consultation from January to March 2020 which sought feedback from the public on how the Cyber Security Breaches Survey (the “CSBS”) could be improved for the future and how any changes to statistics would affect users of the CSBS. DCMS considered whether the CSBS should be retained in its current form or discontinued and replaced with an alternative survey.</p> <p>In response to that consultation and having considered the feedback, DCMS has now published its response and has decided to retain the CSBS in its current form. It will continue to monitor the survey and consider making changes in line with the feedback given by respondents, which includes the possibility of adding additional topics covering organisations’ attitudes towards cyber insurance and factors which affect/change their behaviour in respect of cyber threats.</p>	Consultation	
Payment Card Industry Security Standards Council updates standard for payment devices	On 16 June 2020 the Payment Card Industry Security Standards Council (“PCI”) updated the security standard for payment devices to provide greater protection for cardholder data. The PCI PIN Transaction Security (PTS) Point-of-Interaction (POI) Modular Security Requirements v6.0 (the “Standard”) introduces additional security changes designed to protect cardholder data from being compromised by malware and ransomware attacks.	Press release	
ENISA working group on cybersecurity for AI	ENISA, the European Union Agency for Cybersecurity, has set up an ad-hoc working group on cybersecurity for AI, with the objectives of advising ENISA on matters related to AI cybersecurity, assisting ENISA in the development of an AI threat landscape and supporting ENISA in providing risk-proportionate cybersecurity guidelines for AI.	ENISA news item	
ENISA issues report on measures to protect against security issues in the EU	ENISA has published reports identifying the areas in which it is improving the prevention, detection and analysis of cybersecurity threats and incidents in the EU. The project has been divided into three reports, which are intended to act as a point of reference for those who are seeking to identify or review measures for the detection of incidents. The three reports are:	Press Release Survey Report Measures and Information Sources Report Good Practices Report	



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	<ol style="list-style-type: none"> 1. Survey Report: which provides an overview of the tools that are most commonly used to detect network security incidents and the expertise required to implement these measures. 2. Measures and Information Sources Report: which explains the different methods, tools, activities and information sources that are available to carry out proactive detection of cybersecurity incidents. 3. Good Practices Report: which analyses the data and provides recommendations for improvements, including areas that require additional analysis. 		
<p>ENISA releases cyber hygiene tips for SMEs in light of COVID-19 and tips on ensuring password security and secure authentication</p>	<p>ENISA has published 10 cybersecurity tips for SMEs to support them with the increased risk of phishing and ransomware attacks in light of the COVID-19 pandemic which has resulted in many employees working from home. The tips for SMEs include ensuring management are aware of the importance of cybersecurity, establishing policies to deal with it, appointing an ISO, encouraging employee awareness and keeping on top of security updates.</p> <p>ENISA has also produced tips which suggest ways to ensure secure authentication in order to protect customer data online. This publication outlines the different ways that passwords can be stolen, and then provides ten recommendations to increase password security. These tips include using single sign-on functionality alongside multifactor authentication, generating strong and unique passwords, using VPNs and not relying on easily accessible personal information to reset passwords.</p>	<p>Press Release</p> <p>Tips</p>	
<p>ENISA releases tool to measure cybersecurity incidents</p>	<p>ENISA has released a statistical tool to bring further transparency to cybersecurity incident reporting. The tool has made available data on telecom security incidents and trust services security incidents over a period of eight and four years respectively. The most common causes for both types of incidents, it reports, are systems failures and human error.</p>	<p>Press release</p> <p>Tool</p>	
<p>LIBE issues draft recommendation on crypto-asset regulation</p>	<p>The Civil Liberties, Justice and Home Affairs Committee of the European Parliament (“LIBE”) has published its draft recommendations to the European Commission on crypto-asset</p>	<p>Draft report</p>	



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	<p>regulation. In particular, LIBE calls on the Commission to take a common approach to cyber resilience of the financial sector by proposing legislative changes in the area of ICT and cyber security requirements for the EU financial sector. Additionally, LIBE emphasises that data plays a central role in FinTech and highlights the need for a technology-neutral application of existing data laws.</p>		
<p>European Banking Federation updates position paper on cybersecurity incident reporting</p>	<p>The European Banking Federation (“EBF”) has updated its position paper on cybersecurity incident reporting, adding a new annex describing the Danish Joint Solution for reports on IT Security Events which it has identified as a successful central reporting scheme. In particular, it recommends the establishment of a centralised hub with the aim of collecting information on cybersecurity reports from financial institutions and submitting them to the competent authorities. Its recommendation would simplify coordination and submission of reports and also provide more oversight of cyber risks and trends at national level.</p>	<p>Press release Paper</p>	
<p>Zoom announce release of end-to-end encryption</p>	<p>Zoom, a video conferencing platform, has announced that it will be introducing a beta version of end-to-end encryption for all users in July, despite initially only intending to provide this for paid accounts.</p> <p>The updated technology will allow meeting hosts and account administrators to enable or disable the encryption. Zoom’s CEO stated that the enhanced security will “balance the legitimate right of all users to privacy and the safety of users on [the] platform”.</p>	<p>Announcement</p>	

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<p>£18bn claim lodged against EasyJet for data breach</p>	<p>Budget airline company, easyJet, is faced with an £18bn data protection class action claim lodged by law firm PGMBM on behalf of customers affected by a recent data breach.</p> <p>On 19 May 2020, easyJet disclosed a data breach which affects 9 million customers globally, including the exposure of more than 2,000 credit card details and other personal information such as email addresses and travel data (ie booking references and departure/arrival dates). It is reported that the data breach occurred in January 2020 resulting in a delay of 4 months before customers were notified of the breach.</p> <p>The claim is lodged under Art. 82 of the GDPR which gives individuals the right to claim compensation in circumstances where the security of their personal information has been compromised. PGMBM are seeking to recover £2,000 for each affected customer.</p>	<p>Press release</p>	
<p>Centre for Data Ethics and Innovation releases latest repository on COVID-19</p>	<p>The Centre for Data Ethics and Innovation (“CDEI”) has published its COVID-19 repository for May. The repository is a database detailing new uses of data and AI with a view to countering and mitigating the impact of the coronavirus pandemic. Key findings of the May repository are that new use cases are broad in scope and the majority of use-cases repurpose existing AI/data activity to a new context. In particular, the CDEI noted that the speed and breadth of technology adoption varied across countries and that UK exhibited low levels of take-up.</p>	<p>Press release Repository</p>	
<p>Contact tracing data to be shared among EU Member States</p>	<p>EU Member States have reached an agreement on the sharing of data obtained from contact-tracing mobile apps which have been developed to track and trace individuals who have (or have previously had) symptoms relating to coronavirus. “Technical specifications” are to be adopted by the Member States in order to allow the free exchange of information between mobile apps throughout those Member States which are party to the agreement. For example, one</p>	<p>Press release Technical specifications</p>	



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	<p>of the technical specifications requires participating Member States to implement a backend server which uploads coronavirus-related data and which is accessible to the other participating Member States.</p>		
<p>Debate over potential data protection issues for contact tracing</p>	<p>Further to the Secretary of State's letter of 28 May 2020 to the Chair of the Joint Committee on Human Rights, where the Committee's proposed Bill to provide additional protections for data collected under the proposed 'Test Trace Isolate' programme was deemed not necessary, the Leader of the House of Commons has written to the Committee confirming that the Bill will not be adopted. In his letter, the Leader of the House of Commons explained that the Bill is not required as the Government is already committed to ensuring transparency, security and privacy.</p> <p>In response, on 29 May 2020 the Chair of the Committee wrote another letter to the Secretary of State reiterating concerns that the current legal framework does not provide adequate data protection, and recommends that the Bill is re-considered. In the letter, the Chair of the Committee highlighted the volume of data that will be collected as part of the 'Test Trace and Isolate' programme, and stated that the new powers given to the Government in light of such an unprecedented collection of personal data requires further protections in order to ensure citizens' rights to privacy.</p>	<p>Secretary of State's letter Chair of the Joint Committee on Human Rights' letter</p>	
<p>Covid-19: ICO responds to coronavirus privacy challenges</p>	<p>The Information Commissioner's Office ("ICO") has taken steps to issue guidance and briefings to address some of the privacy challenges brought about by the coronavirus pandemic.</p> <p>The ICO has published guidance (the "Guidance") to help individuals protect the security and confidentiality of their personal information as lockdown restrictions ease. The ICO is aware that individuals may be asked to provide their health information and/or to take tests to track and trace coronavirus symptoms. The ICO Guidance reminds individuals of their data protection rights, the periods for which their data may be retained and how any complaints/concerns may be raised with employers.</p> <p>Similarly, the ICO has published six data protection principles which businesses should adopt in order to protect the privacy of personal data. The ICO acknowledges that businesses are likely to request</p>	<p>Guidance Six principles</p>	



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	<p>much more information from an individual to protect the health and safety of their employees and therefore essential safeguards will be required to ensure businesses are complying with applicable data protection legislation. The six steps include:</p> <ol style="list-style-type: none"> 1. collecting and using information only to the extent necessary; 2. collection/retention of information should be kept to a minimum; 3. being transparent with staff regarding the use of their data and the purposes for which it is collected; 4. avoiding discrimination and treating people fairly; 5. securing any personal information collected; and 6. allowing individuals an opportunity to freely exercise their data protection rights. 		
<p>ICO comments on the Age Appropriate Design Code</p>	<p>The ICO has welcomed the UK Government’s decision to submit to Parliament the Age Appropriate Design Code (the “Children’s Code”). The ICO acknowledges that the Government’s action is a significant step in protecting children’s privacy online and will work with businesses to better prepare them for when the Children’s Code is implemented.</p>	<p>Statement</p>	
<p>ICO produces investigation report on data extraction from mobile phones</p>	<p>The ICO has issued a report relating to its investigation on the extraction of data from mobile phones by the police forces in England and Wales. The report outlines the ICO’s investigation into the police force’s extraction and use of personal data from mobile phones following concerns that police practices and standards were being applied inconsistently throughout the country thereby increasing the risk that the public confidence in the criminal justice system could be undermined. The report outlines a number of safeguards which should be implemented to reduce the risk of individuals’ privacy being compromised. In particular, the ICO has called for the introduction of a statutory code of practice which provides increased clarity on how a witness’s and/or complainant’s personal data will be used and processed.</p>	<p>Report</p>	



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CDEI issues paper reviewing risks of facial recognition technology	<p>The CDEI has issued a paper which considers the potential risks of the increasing use of facial recognition technology (“FRT”) in the UK. The CDEI describes the different areas in which the technology is being implemented, with a particular focus on the private sector’s use of facial recognition to identify both antisocial behaviour and for marketing purposes in the retail sector. In the paper, the CDEI explains that such collection of facial data is governed by the Data Protection Act 2018.</p> <p>The CDEI also states that facial recognition is increasingly being used for private security. The use of FRT for such purposes requires the data controller to have a legitimate interest for collecting such data, particularly where they do not have the explicit consent of each individual whose data is processed. In this case, the CDEI emphasises that the reason for collecting facial data must be for the substantial public interest.</p>	Press Release Briefing Paper	
CDEI issues AI barometer to address AI opportunities, challenges and risk	The CDEI has issued a barometer which highlights and analyses the important opportunities, risks and challenges brought about by AI and data use across five key sectors – Criminal Justice, Financial Services, Health & Social Care, Digital & Social Media and Energy & Utilities (the “AI Barometer”). Amongst other challenges, the AI Barometer highlights that there are three types of barrier which require close attention: low data quality, lack of coordinated policy and practice, and a lack of transparency with respect to AI and data use. The AI Barometer points out that these barriers are likely to reduce the public trust and confidence in the use of emerging technologies which in turn impacts inventor appetite in developing such technologies due to public opposition and a risk in them experiencing reputational harm.	Press release AI barometer	
ISO issues benchmark for online privacy notices and consent	The International Organisation for Standardisation (“ISO”) has published a new standard ICO/IEC 29184:2020 intended to shape the content of online privacy notices and provide guidance on the process of asking for consent to process personal information.	ISO/IEC 29184:2020	
EU Presidency publishes ePrivacy Regulation progress report	The Presidency of the Council of the European Union has published a report on the progress of the proposal for a Regulation on the respect for private life and the protection of personal data in electronic	Progress Report	



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	<p>communication, and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communication).</p> <p>Significantly, the Presidency noted that an important modification that has been introduced is the possibility of processing electronic metadata and using the processing and storage capabilities of terminal equipment and the collection of information from end-users' terminals when necessary for the purpose of legitimate interests. The Presidency has also suggested a number of safeguards including the prohibition on sharing metadata or collected information with third parties, the need to carry out impact assessments and the obligation to inform the end-users of the processing operations.</p> <p>The report also confirms that the current Croatian Presidency and incoming German Presidency are committed to working with each other in order to ensure that the discussions will continue to progress smoothly.</p>		
<p>New EU Parliamentary briefing on EU data protection framework published</p>	<p>The European Parliamentary Research Service ("EPRS") has published a briefing on the EU data protection framework. In summary, the briefing:</p> <ul style="list-style-type: none"> • confirms the importance of data and how it is used and exploited globally by technology companies; • sets out the EU regulatory framework (including its history and development); • reiterates the importance of protecting the security and privacy of data; • identifies the roles of the European Parliament and the CJEU in reforming and shaping the EU data protection framework; • acknowledges future challenges to the GDPR, such as ensuring the GDPR can effectively regulate emerging technologies; and • highlights the resources available to data protection authorities for monitoring and enforcing compliance with the law. 	<p>Briefing</p>	



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	<p>The briefing also outlines future developments such as the European Data Strategy and the AI White Paper as well as considering the debate on a new EU data retention regime.</p>		
<p>EU holds strategic leaders' meeting with Japan</p>	<p>Leaders from Japan, the European Commission and the European Council participated in a teleconference meeting on 26 May 2020 to discuss a range of challenges currently affecting the global economy. In particular, they considered the need to implement a robust and strategic response to the coronavirus pandemic, which includes the sharing of information freely and transparently, adopting modern technology with sufficient privacy and security safeguards and further enhancing the Data Free Flow with Trust ("DFFT") initiative which is designed to facilitate the international transfer of data whilst preserving security and privacy. The leaders also shared a commitment to cooperate on issues relating to cybersecurity amongst others.</p>	<p>Press release</p>	
<p>EPRS publishes study titled 'Blockchain for supply chains and international trade'</p>	<p>The European Parliamentary Research Service ("EPRS") has published a study which discusses the use of blockchain technology for supply chains in international trade, with a focus on eight case studies for supply chains and international trade.</p> <p>In the study, the EPRS notes the uncertainties that arise in the context of privacy data protection law, in particular in relation to the GDPR's distinction between pseudonymised and anonymised data. The EPRS states that blockchain technology allows parties to interact without disclosing their identity to the contracting party or the public, but that each transaction is linked to a public key that does identify a particular user. The EPRS states that this 'public key' is likely to qualify as personal data under EU data protection laws.</p> <p>Furthermore, the EPRS explains that there may also be data minimisation issues, as data is continuously added to the chain without the option to delete or edit the data.</p>	<p>Study</p>	
<p>EDPB comments on UK-US Access to Electronic Data Agreement</p>	<p>The European Data Protection Board ("EDPB") has provided its comments to the European Parliament on the Access to Electronic Data for the Purpose of Countering Serious Crime agreement (the "Data Access Agreement") which was signed by the UK and US on 3</p>	<p>Letter</p>	



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	<p>October 2019. The Data Access Agreement permits each country's authorities to request electronic data relating to serious criminal offences from technology companies based in the others' country. The EDPB commented:</p> <ul style="list-style-type: none"> • it doubts whether the safeguards set out in the Data Access Agreement in respect of access to personal data in the UK would apply to the disclosure obligations imposed on technology companies within the US (whether or not that data is located within the US). On this basis, the EDPB notes that it is unclear whether the safeguards apply to all (if any) requests made under the US Cloud Act; • any safeguards must have a mandatory prior judicial authorisation which constitutes a guarantee for access to data; and • the Data Access Agreement would have to be taken into account by the European Commission when assessing the level of protection of personal data in the UK, particularly in respect of cross-border transfers of personal data to a third country. 		
<p>EDPB adopts letter on data subject rights, responds to NGOs on the Hungarian Government's Decree and issues update on Article 23 GDPR</p>	<p>The EDPB has adopted a statement which emphasises the importance of ensuring the protection of personal data, even in states of emergency, in order to uphold democracy, the rule of law and the fundamental rules which underpin the EU's foundations. In the statement, the EDPB reiterates the main principles which relate to the restrictions on data subject rights that should be adhered to if a Member State is in a state of emergency.</p> <p>The EDPS has also adopted a letter in response to a letter received by NGOs relating to the Decree issued by the Hungarian Government on 4 May. In the letter, the EDPS states that the GDPR and other data protection laws allow governments to effectively respond to and control the COVID-19 pandemic, whilst also protecting citizens' fundamental rights and freedoms.</p> <p>In addition, the EDPS has also stated that it will be releasing new guidelines on the implementation of Article 23 of the GDPR.</p>	<p>Agenda</p>	



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European Data Protection Supervisor issues opinion on European Commission's Data Strategy	The European Data Protection Supervisor ("EDPS") has issued its opinion on the European Commission's European Data Strategy which was published on 19 February 2020 (the "Strategy"). In the Opinion, the EDPS acknowledges that data will be sharply in focus as the world becomes increasingly digital and that appropriate safeguards will need to be put in place to counter the risks associated with increased data exposure. In particular, the EDPS has agreed with the European Commission's calls for a legislative governance framework to be implemented to augment existing legal frameworks. It also acknowledges that the Data Protection Authorities in each Member State will require additional resources to implement the Strategy and, amongst other developments, recognises the impact which privacy enhancing technologies can have to share data privately and securely.	Opinion	
EDPS responds to questions on the transfer of personal data by EU institutions	<p>The EDPS has responded to questions raised by an EU institution relating to the transfer of personal data. In particular, the questions raised centred around the provisions that should be included in an agreement between an EU institution and a service provider who provides payroll services for employees in an EU country with no adequacy decision.</p> <p>The EDPS expressed that derogations for specific situations under Article 50 of Regulation EU 2018/1725 will not be applicable. The EDPS stated that Article 46 of the same regulation holds that an international transfer should only take place if the controller and processor of the data comply with conditions in Chapter V. The EDPS also explained that Article 29 requires the EU institution to enter into a contract (or other legally binding agreement) with the service provider, and that the EU institution should ensure that the service provider can show that it has adequate safeguards for processing the personal data that it receives from the institution.</p>	Newsletter	
European Medicines Agency issues Q&A report on the use of digital technologies in healthcare	The European Medicines Agency ("EMA") has issued a question and answer report (the "Q&A") on the use of digital technologies in healthcare, particularly in respect of methodologies relating to medicinal products. The Q&A considers how modern technologies are used in the development and use of medicinal products and provides guidance to support organisations seeking regulatory approval for	Q&A	



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	<p>such products. The EMA acknowledges that sensitive health data is likely to be processed by healthcare devices and reminds organisations of the continuing requirement to comply with applicable EU data protection laws. Where digital technologies are adopted, the Q&A recommends that a robust risk management plan is put in place to protect the security and privacy of data and that the technology should be verified by way of a Computer System Validation (“CSV”).</p> <p>The EMA also points out that a draft guideline on digital data in clinical trials is being established which will provide guidance on issues such as electronic informed consent and audit trails.</p>		
European Commission releases Science, Research and Innovation Performance report 2020	The European Commission has published the latest version of its Science, Research and Innovation Performance report (the “Report”) which provides a detailed analysis of Europe’s performance in science, research and innovation on a global scale. The Report highlights that emergencies such as the coronavirus pandemic has accelerated the need for free flow of data and ideas. It also outlines that access to data should be improved in order to enhance the full impact that emerging technologies such as AI can have on the economy and competition, so long as this is in line with privacy law requirements, including those set out in the GDPR.	Press release Report	
EFTA States respond to EU white paper on AI and EU data strategy	The European Free Trade Association (“EFTA”) has responded to the European Commission’s White Paper on artificial intelligence and EU data strategy. The response notes EFTA States’ support of the Commission’s aim to create a single European data space and calls for stricter prioritisation within certain sectors. With respect to a new regulatory framework for AI, the EFTA States concur with the Commission that many issues relating to AI have already been addressed in existing legislation and support a risk-based approach to regulation of emerging AI technology.	Press release Comments	
Global Privacy Assembly releases June newsletter	Global Privacy Assembly (“GPA”) has released the June edition of its newsletter. This issue includes opening remarks from UK ICO Commissioner Elizabeth Denham on COVID-19 implications for data protection and Working Group highlights on ethics and data protection in AI.	Newsletter	



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European Consumer Organisation issues position paper on data strategy	<p>The European Consumer Organisation ("BEUC") has issued a position paper on a European data strategy, in response to a public consultation. In addition to supporting the Commission's consumer-focused approach to data governance, BEUC stated the following:</p> <ul style="list-style-type: none"> • it is crucial to legally distinguish personal and non-personal data since personal data is protected by GDPR rules; • datasets which combine personal and non-personal data should be governed by GDPR rules; • the consumer should be the ultimate decision maker on who gets access to their data (with limited exceptions); and • competent authorities should ensure governance of data sharing initiatives comply with consumer, competition and data protection roles. 	Position paper	
IBM ceases work on facial recognition technology	In a letter to US Congress (the "Letter"), IBM CEO Arvind Krishna confirmed that IBM will cease all work on facial recognition technology. In particular, the Letter highlights IBM's intention to work with Congress to pursue responsible technology policies which protect communities and do not promote racial inequality. Several studies have confirmed racial bias in many facial recognition technology.	Press release	
European Data Protection Board writes to Maximilian Schrems regarding one-stop shop mechanism	The European Data Protection Board ("EDPB") has written to Maximilian Schrems, Chair of noyb.eu, noting that while there have been procedures in place to implement the one-stop shop mechanism under the GDPR, a number of improvements are required. In particular, differences in national procedural laws and the resources required to resolve cross-border cases were regarded as challenges in implementing the one-stop shop mechanism.	Letter	
World Economic Forum releases roadmap for cross-border data flows	The World Economic Forum ("WEF") has published a roadmap for cross-border data flows. In particular, WEF highlights its proposals to establish the building blocks of trust, incentivise cooperation between countries and future-proof international data sharing policies.	Roadmap	
EGBA issues data protection code of conduct on online gambling	The European Gaming and Betting Association ("EGBA") has issued a data protection code of conduct relating to the online gambling sector	Code of conduct	



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	<p>(the "Code of Conduct"), pursuant to and in conformity with Article 40 of the GDPR. The Code of Conduct provides best practice guidance to online gambling operators on the safeguards which they should implement when processing personal data relating to players. It also addresses gambling-specific features such as prohibiting operators from making access to services conditional on players' consent to receive marketing communications and how personal data can be protected when opening "VIP" accounts. The Code of Conduct reiterates the importance of the obligation on operators to comply with key GDPR principles, including protecting data subjects' right to be informed, right to access, right to erasure etc.</p>	<p>Press release</p>	
<p>FRA issues Fundamental Rights Report 2020</p>	<p>The European Union Agency for Fundamental Rights ("FRA") has issued its Fundamental Rights Report 2020 (the "Report") which recognises the GDPR as a crucial aid to enhance the protection of fundamental rights. The Report acknowledges that an increase in technological advancements, including the use of AI and facial recognition, means that knowledge of supervisory authorities and civil society organisations specialised in protecting data subjects' rights becomes imperative. In addition, the Report recommends that international players such as the Council of Europe develop ways to protect fundamental rights whilst supporting and promoting innovation. The Report also acknowledges that more progress needs to be made by Member States with respect to developing robust data retention principles and recommends that national courts align domestic rules on data retention with CJEU rulings.</p>	<p>Report</p>	
<p>IMCO publishes study on the challenges and opportunities for digital services provided by AI</p>	<p>The Committee on the Internal Market and Consumer Protection ("IMCO") has published a study written by the Policy Department for Economic, Scientific and Quality of Life Policies which considers the potential new challenges and opportunities for digital services in light of AI. Specifically, the study focusses on AI's influence on consumer protection, data protection and providers' liability.</p> <p>The study also discusses the use of AI for processing consumer data and targeting potential consumers through the use of ads and other messages, whilst being mindful of consumer privacy and autonomy. The study also considers the development of consumer-focused AI</p>	<p>Press Release Study</p>	



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	applications, and the potential use of AI for detecting unlawful online content.		
IAB publishes guidelines on Connected TV	<p>IAB Europe has published a Connected TV (“CTV”) guide which aims to provide information to planners and buyers of media so that they can utilise the opportunities that the platform creates for marketers. The guidance also aims to provide clear pan-European definitions within the CTV market and includes a number of best practice recommendations to take full advantage of the technology.</p> <p>Specifically, the guidelines explain how household data can be used alongside the technology so that relevant brand messages can be delivered to a specific household during a television advert break. The guidelines also outline how audience segmentation data can enable live targeted advertising, as well as emphasising the fact that the CTV system does not use cookies, meaning that cookie-based audience strategies are becoming less relevant.</p>	Press release Guidelines	

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<p>Joint Communication on tackling COVID-19 disinformation</p>	<p>The European Commission and High Representative have issued a Joint Communication on tackling COVID-19 disinformation. Recommendations contained within the Joint Communication include strengthening strategic communication both inside and outside the EU, international cooperation, greater transparency of online platforms about disinformation and influence operations, ensuring freedom of expression and raising citizens' awareness.</p> <p>The actions proposed in the Joint Communication will feed into future EU work on disinformation including the European Democracy Action Plan and the Digital Services Act.</p>	<p>Press release</p>	
<p>Digital Economy and Society Index 2020 released</p>	<p>The European Commission has released the results of the 2020 Digital Economy and Society Index which monitors Europe's overall digital performance and tracks the progress of EU countries in respect of their digital competitiveness. There has been progress in all Member States and all key areas measured in the Index, which the Commission states is all the more important in the context of the coronavirus pandemic which has established the essential nature of digital technologies. The Index has found that connectivity has improved but that more needs to be done to address fast-growing needs; more progress in digital skills is needed; the pandemic has seen a sharp increase in internet use; enterprises are becoming increasingly digitised but progress in this areas for SMEs is slower; and there is an increasing trend towards the use of digital public services in the areas of egovernment and ehealth.</p>	<p>Press release</p>	
<p>European Commission consultation on Digital Services Act package</p>	<p>The European Commission has published a roadmap and inception impact assessment in relation to the proposed Digital Services Act package that was announced in February 2020 and which the Commission is expected to adopt in the last quarter of 2020.</p>	<p>Press release</p> <p>Consultation on new competition tool</p> <p>Eversheds Sutherland briefing</p>	



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	<p>Simultaneously, it has also launched a consultation on the proposed Digital Services Act which is open until 8 September 2020.</p> <p>The Commission is seeking views on:</p> <ul style="list-style-type: none"> the modernisation of the E-commerce Directive, including the role and obligations of online intermediaries and a more effective governance system to ensure the enforcement of rules and the respect of fundamental rights; and the level playing field in European digital markets, which are currently dominated by a few large online platforms which act as gatekeepers, including addressing market imbalance and ensuring that the EU single market for digital services remains competitive and open to innovation. <p>Separately but simultaneously, the Commission has also launched a consultation on a possible new competition tool to deal with structural competition problems across markets which cannot be tackled effectively on the basis of the current competition rules. Click on the link to read an Eversheds Sutherland briefing on the proposed competition toolkit.</p>		
UK measures to boost digital trade	<p>The UK Government has announced a range of measures to help boost digital trade and to establish the UK tech industry as a global player. The measures are intended to increase tech exports to fast-growing international markets, to strengthen scaleups' market readiness to export and to attract investment to drive innovation and create jobs. The measures include the launch of the Digital Trade Network for Asia-Pacific, creation of a new Tech Exporting Academy and a new DIT platform to "supercharge UK tech engagement on the global stage".</p>	Press release	
Global Partnership on Artificial Intelligence	<p>Australia, Canada, France, Germany, India, Italy, Japan, Mexico, New Zealand, the Republic of Korea, Singapore, Slovenia, the United Kingdom, the United States of America and the European Union have created a Global Partnership on Artificial Intelligence, to be known as GPAI or Gee-Pay. The purpose of GPAI is to guide the responsible and human-centric development and use of AI (as elaborated in the OECD Recommendation on AI) and to bridge the gap between theory and practice on AI by supporting research and applied activities. It will collaborate across the four Working Group themes of responsible AI,</p>	Joint statement from founding members of GPAI	



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	<p>data governance, the future of work, and innovation and commercialisation. It will be supported by a Secretariat to be hosted by the OECD in Paris and by Centres of Expertise in Montreal and Paris.</p> <p>In the short term the GPAI will also investigate how AI can be leveraged to better respond to and recover from COVID-19.</p>		
EBF papers on cloud computing for financial institutions	The European Banking Federation cloud banking forum has released technical papers on the use of cloud computing by financial institutions, cloud exit strategy and the cloud outsourcing register.	EBF website	
ESMA publishes consultation paper on cloud outsourcing guidelines	The European Securities and Markets Authority ("ESMA") has launched a public consultation on its guidance on the outsourcing requirements for the financial market when outsourcing to cloud service providers. Specifically, ESMA aims for the guidelines to help with identifying, addressing and monitoring the risks in establishing such arrangements. The guidelines are also intended to explain the importance of establishing information security requirements in both the cloud outsourcing agreements and internal policies and procedures, and the need to ensure continued compliance in order to protect sensitive data.	Press Release	
European Council conclusions on shaping Europe's digital future	The European Council has adopted conclusions on shaping Europe's digital future which also highlight the impact of digital transformation on fighting and recovering from the COVID-19 pandemic.	Press release	
The United Nations releases a Roadmap for Digital Cooperation	<p>The United Nations ("UN") has released a report called the Roadmap for Digital Cooperation which sets out eight key areas in which digital technologies can develop to provide a more equitable digital world. In summary, the eight key areas are:</p> <ol style="list-style-type: none"> 1. Global connectivity - governments and communities should collaborate to develop comprehensive connectivity plans in conjunction with regulatory changes which should aim to provide easier access to the digital market for smaller-scale providers. 2. Digital Public Goods - public goods such as open-source software, AI models and open data should be enhanced and 	Press release Report	



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	<p>supported by human rights and governance frameworks to increase the trust in technologies.</p> <ol style="list-style-type: none"> 3. Digital Inclusion - there should be equal opportunities for global populations to become IT literate, through increased skills development, greater access to technology and better designs that address the needs of all people, including those with disabilities. 4. Digital Capacity Building - digital capacity building approaches should be enhanced to promote sustainable development and establishing various support networks between the UN and young graduates for example could provide greater broadband access and encourage the wider adoption of digital technologies. 5. Digital Human Rights - robust policies and frameworks should be adopted to provide enhanced training and guidance on the protection of human rights and the privacy of personal data. 6. Artificial Intelligence - recognising the importance of AI to the digital economy, it should be deployed in a way which is not discriminatory but rather is safe, trustworthy and sustainable. 7. Digital Trust and Security - global initiatives (eg Global Forum on Cyber Expertise) should be widely adopted and encouraged to promote the use of technologies in a safe and secure manner. 8. Global Digital Cooperation - Initiatives such as the Internet Governance Forum Plus, a distributed co-governance architecture and a digital commons architecture can promote greater digital cooperation among key stakeholders and countries. 		

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