

## Trending Topics of the month



Privacy and  
Data Protection



Telecoms



Intellectual  
Property

#Privacy and Data Protection

### The European Data Protection Board (EDPB) adopts statement on the new Trans-Atlantic Data Privacy Framework



On 6 April 2022, the European Data Protection Board (EDPB) published a [statement](#) on the new [Trans-Atlantic Data Privacy Framework project](#) announced by the European Commission and the United States on 25 March 2022.

In its statement, the EDPB indicated that it will examine how this political agreement translates into concrete legal proposals to address the concerns raised by the Court of Justice of the European Union (CJEU) in order to provide legal certainty to European Economic Area (EEA) individuals and exporters of data.

The EDPB also notes that, at this stage, the new Trans-Atlantic Data Privacy Framework does not constitute a legal framework on which data exporters can

base their data transfers to the United States. Data exporters must therefore continue taking the actions required to comply with CJEU case law, and in particular its [Schrems II decision of 16 July 2020](#).

The General Data Protection Regulation (GDPR) requires that the Commission seek an opinion of the EDPB before adopting a possible new adequacy decision. In that regard, the EDPB indicates in its statement that it will prepare its opinion when it receives all supporting documents from the European Commission.


For more information, please see the [EDPB press release](#). 



## EDPB letter on the draft national legislation impacting the Belgian Supervisory Authority

The EDPB issued a [letter](#) expressing concerns about the recent legislative developments in Belgium aimed at reforming the law which establishes the Belgian Supervisory Authority (BE SA), as it may negatively impact the stability and the independent functioning of the Belgian authority.

In its letter, the EDPB stresses that independent supervision is essential to the fundamental right to data protection. It is also the cornerstone of effective enforcement under the GDPR and effective cooperation among Supervisory Authorities. Moreover, the EDPB is concerned about the proposal's alignment with the GDPR and strict CJEU case law.

For more information, please see the [EDPB press release](#). 

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## EDPS launches two social media platforms

On 28 April 2022, the European Data Protection Supervisor (EDPS) launched the public pilot phase of two social media platforms: [EU Voice](#) and [EU Video](#).

The two platforms are part of decentralised, free and open-source social media networks that connect users in a privacy-oriented environment. EU institutions, bodies, offices and agencies (EUIs) participating in the pilot phase of these platforms will be able to interact with the public by sharing short

texts, images and videos and by uploading and commenting on videos and podcasts on the platforms.

By launching the two social media platforms, the EDPS aims to contribute to the European Union's strategy for data and digital sovereignty to foster Europe's independence in the digital sphere.

For more information, please see the [EDPS press release](#). 

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## Data Protection Authorities (DPAs) decide on closer cooperation for strategic files

On 29 April 2022, the EDPB Members have agreed to further enhance cooperation on strategic cases and to diversify the range of cooperation methods used. A [statement](#) on the matter was issued on 28 April 2022.

In its statement, the EDPB points out that groups of DPAs may decide to join forces on investigation and enforcement activities, as agreed. Furthermore, DPAs may share work within those groups and,

when needed, an EDPB task force can be created.

The DPAs have also made a commitment to exchange information on national enforcement strategies with a view to agreeing on annual enforcement priorities at an EDPB level, which can be reflected in national enforcement programmes. DPAs can prepare a common enforcement framework, including common instruments for inspections.

For more information, please see the [EDPB press release](#). 


## Judgment in Case C-319/20 Meta Platforms Ireland

On 28 April 2022, the CJEU delivered its judgment in [Meta Platforms Ireland Limited v Bundesverband der Verbraucherzentralen und Verbraucherverbände – Verbraucherzentrale Bundesverband eV \(Case C-319/20\)](#), ruling that consumer protection associations may bring representative actions against infringements of the GDPR, following a request for a ruling from the German Federal Court of Justice.

The Federal Union of Consumer Organisations and Associations (Germany) brought an action for an injunction against Meta Platforms Ireland, alleging that it had infringed rules on the protection of personal data, the combat of unfair commercial practices and consumer protection, in the context of making available to users free games provided by third parties.

The Federal Court of Justice (Germany) had doubts as to the admissibility of the Federal Union's action, although it observed that it was well grounded.

The CJEU concluded that consumer protection associations may bring representative actions against infringements of personal data protection and that such an action may be brought independently of the specific infringement of a data subject's right to the protection of his or her personal data and in the absence of a mandate to that effect.

For more information, please see the [CJEU press release](#). 



#Telecommunications


## Roaming in the European Union (EU) without surcharges extended until 2032

The European Parliament and the Council of the European Union have approved a further 10-year extension of the Roaming Regulation ([Regulation \(EU\) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union](#)).

The Regulation establishes that the price of roaming communications (voice calls, messages and data) between EU countries cannot exceed the rates paid for national communications ("Roam Like At Home" scheme). Moreover, it also adjusts the

maximum wholesale charges to ensure that the provision of roaming services is sustainable for operators across the EU and introduces new measures to ensure that consumers benefit from access to roaming services of the same quality as they enjoy at home.

New rules to promote transparency have been set out to better inform users about possible unexpected charges, in addition to the rules currently in place. Consumers will also be entitled to free and improved access to emergency communications.

The Regulation will enter into force on 1 July 2022. 



## #Intellectual Property

## The Republic of Chile and Cabo Verde join the Madrid System



On 4 April 2022, the [Government of the Republic of Chile deposited its instrument of accession to the Madrid Protocol](#), making it the 111th member of the Madrid System. On 6 April 2022, the [Government of Cabo Verde also deposited its instrument of accession to the Madrid Protocol](#), becoming the 112th member. The Madrid System now covers a total of 128 countries.

Starting from the above-mentioned dates, local brand owners will be able to protect their trademarks in any of the other 127 territories of the Madrid System by filing a single international application and paying a single set of fees. At the same time, foreign businesses and trademark owners will be able to seek trademark protection of their products in the referred countries through a straightforward designation process.

The Protocol will enter into force for Chile on 4 July 2022 and for Cabo Verde on 6 July 2022.



## Judgment in Case C-401/19 Poland v Parliament and Council

On 26 April 2022, the CJEU dismissed the action brought by Poland against Article 17 of the [Directive \(EU\) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market in case -401/19 Poland v Parliament and Council](#).

Poland brought an action before the CJEU for annulment of Article 17 of Directive 2019/790 claiming that the article infringes the freedom of expression and information enshrined in Article 11 of the Charter of Fundamental Rights of the European Union.

Article 17 of the Directive on copyright and related rights in the Digital Single Market establishes that providers of online content-sharing services (so-called “Web 2.0” services) are directly liable when protected subject matter is illegally uploaded by users of their services. Nevertheless, the providers concerned may be exempted from that liability if, in accordance with the provisions of Article 17 of the Directive, they actively monitor the content uploaded by users in order to prevent the uploading of protected subject matter which the rightholders do not wish to make accessible on those services.

For more information, please see the [CJEU press release](#).

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