



## **ANEC position on a new Strategy for European Information Society 2010-2015 (post i-2010)**

# ***“Setting the agenda for the digital consumer”***

### **Timing: from 2010 to 2015**

#### **Item 1: Meeting Consumers Expectations**

Consumers expect to be able to use Information Society products and services whatever their ages and abilities. They also expect to do it in all security and without undue technical restrictions. In other words, ANEC believes that accessibility, privacy/security, interoperability and sustainability should be the main priorities of the next European Information Society strategy

#### **Item 2: Granting the right to access the Information Society**

Whilst recognising that a significant majority of consumers are using mobile communications services and Internet broadband connections, many consumers, older people and people with disabilities in particular, are still not reaping the benefits of the Information Society. ANEC calls for mandatory provisions to be adopted, addressing the accessibility of ICT products and services. This framework could then be underpinned by formal standardisation.

#### **Item 3: Shaping the Internet of the future**

ANEC believes that the only way for the use of new technologies to be successful for consumers, part of the so called “Internet of the future”, is by adopting and enforcing consumer principles such as openness and interoperability in European policies. “Internet of Things” should become the “Internet for People”.

#### **Item 4: Choosing a sound regulatory approach**

ANEC recommends that Information Communications Technologies (ICT) policy should be more integrated with other EU policies as ICT are not only a technology development but are key in all aspects of life. In ANEC’s opinion, it is also essential that the ICT standardisation process ensures full and effective consumer participation whilst responding to the fast changing market needs.



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### **Item 1: Meeting Consumers Expectations**

Consumers expect to be able to use Information Society products and services whatever their ages and abilities. They also expect to do it in all security and without undue technical restrictions. In other words, ANEC believes that accessibility/usability, privacy/security, interoperability and sustainability should be the main priorities of the next European Information Society strategy<sup>1</sup>. ANEC is concerned about the so called “Digital divide” as many consumers, especially older consumers and people with disabilities, are still not reaping the benefits of the Information Society.

Consumers use more and more ICT technologies in their everyday lives activities such as shopping on-line while cookies and spywares track their browsing habits and gather information on their profiling. Consumers use electronic tolling systems which record the location of their car and payment details. Even when exercising their fundamental right of vote, citizens may be faced with electronic voting systems. Indeed today’s technology allows votes to be cast through the internet, portable devices, even interactive television and mobile phones. The usual problems of personal data protection and security of ICT technologies can be found in the systems used for electronic voting. But voting is a democratic right. And its secrecy must be guaranteed.

Consumers tracking and behaviour monitoring, personal data access and control, aggregation of personal information and sharing of this data with third parties constitute current examples of challenges for personal data protection<sup>2</sup>. Although new technologies are part of the problem in protecting consumers personal data because they allow for easy collection and processing of personal information and provide very accurate location of people or objects linked to people (e.g.: cars, mobile phones, RFID tags, etc), ANEC believes they can also be an element of the solution.

Design privacy from the very beginning in the development of technologies is absolutely crucial. In addition, the highest level of personal data protection must be ensured by default when consumers interact with the specific technology (e.g.: Internet surfing). Consumers expect the technologies they buy and use to protect their personal data by default, especially when it concerns their children<sup>3</sup>.

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<sup>1</sup> ANEC answers to European Commission Post i2010 consultation (ANEC-ICT-2009-G-046), ANEC answers to European Commission consultation on the legal framework the fundamental right to protection of personal data (ANEC-ICT-2009-G-086)

<sup>2</sup> ANEC R&T study on Consumer requirements for RFID standardisation (ANEC-R&T-2007-ICT-002)

<sup>3</sup> ANEC R&T study “The Standards Requirements for Consumer Internet Filtering Tools” (ANEC-R&T-2006-R-003).



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Against the background of sound legal principles<sup>4</sup>, ANEC believes that new technologies can be used to effectively protect consumers’ personal data, thus contributing to a better implementation and enforcement of the existing legal principles.

### **Item 2: granting the right to access the Information Society**

With 114 million subscribers, the EU is the largest world market for fixed internet broadband access. However, even if broadband is available to more than 90% of EU population, only 50% of households effectively use it because it is too expensive or complicated to use<sup>5</sup>.

Whilst recognising that a significant majority of consumers are using mobile communications services, many consumers, older people and people with disabilities in particular, rely only on the provision of universal service (connection to the public telephone network at a fixed location). A minority of consumers are indeed excluded from society by not being able to use specific services as enjoyed by the majority. In this day and age of technical convergence, ANEC questions on which grounds (mobile) broadband connections can be excluded from the basic set of services which all consumers are entitled to expect and therefore supports a revision of the scope of the Universal Service Directive to include access to broadband Internet and mobile communications<sup>6</sup>.

ANEC also calls for mandatory web accessibility provisions to be adopted, against the evidence of barriers experienced by consumers with disabilities in using the Internet<sup>7</sup>, and for a horizontal legislative framework addressing the accessibility of ICT products and services not covered by sectoral legislation. Such a framework should make use of a stakeholder review process and be underpinned by formal standardisation<sup>8</sup>.

For persons with disabilities, accessing cultural resources is not always possible as their right of access is often in conflict with copyrights. According to ANEC, the exception foreseen in the Copyright Directive for ensuring access by persons with disabilities should be stronger and the right of access of persons with disabilities should prevail over the rights of the owner of the content. ANEC believes that any technical limitations of use of on-line content by consumers must be carefully

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<sup>4</sup> Data Protection Directive (45/96)

<sup>5</sup> i2010 — Annual Information Society Report 2009, Benchmarking i2010: Trends and main achievements, COM(2009) 390

<sup>6</sup> ANEC comments on revision of scope of Universal Service (ANEC2005/DfA/018), ANEC-EDF

<sup>7</sup> MeAC - Measuring Progress of e-accessibility in Europe - Assessment of the Status of e-accessibility in Europe, October 2007

<sup>8</sup> Joint ANEC/EDF Position on e-Accessibility, Nov 07 (ANEC-DFA-2007-G-057)

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considered. There is a clear need to develop a business model which combines accessibility and right-holders protection (IPRs) and allows for reuse of content for accessibility purposes. ANEC thinks accessibility should be present in the workflow since the beginning, through intelligent design of standards and software<sup>9</sup>.

Considering the present demographic trends, coping with an ageing society is one of the major challenges for our society. As far as the role of ICT technologies is concerned, ANEC believes that Smart Houses can represent a way to meet the needs of an ageing population and to provide assistive care services. Standards might ensure the ease of installation and operation as well as the provision of information on the services. This is particularly important for elderly consumers who are the group who might gain the most benefit from Smart Houses but who might be the ones who cannot operate them, especially when the appliance requires a certain degree of interactivity from the consumer side.

### **Item 3: shaping the Internet of the future**

One of the “practical” implementation of the future of the Internet for consumers will be ambient intelligence or clouding computing or Internet of Things, which has the potential to modify the existence of European citizens’ everyday life in terms of quality of life.

However, possible negative impacts should also be addressed in the future European policy on the Internet of Things such as the various components and elements (tags, readers, sensors, mega databases) impact on energy consumption and electronic waste. Moreover, ANEC considers worrying the potential uncertainties on the impact on human health such as the level of exposure of people to multiple sources of electromagnetic fields (EMF) of such applications. We call for core consumer principles such as openness and interoperability to be adopted as the only way for the “Internet of Things” to become a reality is by becoming the “Internet for People”<sup>10</sup>.

Despite the great emphasis given by policy-makers to the implementation of more active transmission and distribution systems through the deployment of Smart Grids and the use of Smart Meters in order foster the development of the internal market for energy, ANEC believes appropriate ways to address data handling, safety and consumer protection are still lacking.

To be successful for consumers, the use of new technologies, part of the so called “Internet of the future”, shall enable them to actively participate in the internal

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<sup>9</sup> ANEC intervention at “ePublishing conference”, 17 June 09 (ANEC-DfA-2009-G-044)

<sup>10</sup> Joint ANEC/BEUC answer to EC consultation “Internet of Things” (ANEC-ICT-2008-G-062)

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energy market. As a prerequisite, the provision of objective and comparable information is of paramount importance.

ANEC would support the elaboration of standards to underpin present and future regulatory requirements on Smart Grids and Smart Meters as far as the minimisation of potential consumer risks (remote switching or disconnection, confusing tariffs schemes, disclosure of personal data, etc) and the maximisation of potential benefits for consumers (e.g.: lower energy prices and lower CO2 emission) are concerned.

Consumers must have the freedom to choose how the new technology is used (e.g. whether to have a smart display or to receive the information in other ways, whether to accept the standard display or upgrade to more sophisticated equipment, where the meter/display is located etc.). Specific measures are required to ensure that consumers in vulnerable circumstances are not disadvantaged by the new technology (e.g. by ensuring that all displays and communications are tested by users with sensory impairments, by ensuring that they are not excluded from benefits available to other consumers, etc.)

### **Item 4: choosing a sound regulatory approach**

ANEC recommends that Information Communications Technologies (ICT) policy should be more integrated with other EU policies as ICT are not only a technology development but are key in all aspects of life. For example, it is an inconsistent approach for the European Commission to encourage cross-border shopping of goods by individual consumers, without considering the environmental impact related to the transport/air freight of such goods. To make ICT policies successful these policies must be developed in parallel with other relevant policies such as SCP strategies with the transparent and active cooperation between the different Commission services involved.

ICT products and services, such as mobile phones and the Internet, play in fact an increasing essential role in consumers everyday lives, from shopping on-line to listening to music. However, although they have the potential to improve consumer welfare, by making a greater range of products and services available, new technologies pose several challenges in terms of protection of traditional consumer rights in an on-line environment. These include data privacy and the access of all consumers – including elderly people and people with disabilities – to the latest products and services.

It is crucial to ensure that all the relevant consumer protection legal basis are equipped to cope with the challenges posed by the digital environment. As a consequence, ANEC believes that it is essential that the ICT standardisation



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process ensures full and effective consumer participation whilst responding to the fast changing market needs. It is the aim of ANEC to promote and defend consumer interests in this field as we believe standards can be used to complement regulation and policies in meeting those new challenges.

According to the European Commission White Paper on the future European ICT Standardisation, a more integrated approach between the European Standards Organisations (ESOs) and informal fora and consortia is suggested to modernise ICT standardisation in Europe. However, ANEC is worried that the direct use of informal standards could preclude the public interest from being reflected in the development of specifications to support Information Society policy issues.<sup>11</sup>.

On the international scene, Europe should try to “export” the European concept of privacy (e.g. “opt-in regime” and “privacy by design” for RFID tags) to other regions of the world in order to ensure convergence of requirements.

END

### ***ANEC in Brief***

*ANEC is the European consumer voice in standardisation, representing and defending consumer interests in the development of technical standards, in the application of certification schemes to standards, and in the creation or revision of legislation on products and services. ANEC brings together national consumer organisations from the EU Member States and EFTA countries in order to define European positions on matters affecting consumer protection and welfare. ANEC receives funding from the European Commission's DG SANCO and the EFTA Secretariat. It relies too on the participation of volunteer experts which is considered a contribution in kind. Consumer participation in standardisation is crucial. Consumer representation complements the business view, and goods and services based on standards developed with effective consumer participation can be more easily accepted in the market place. In the EU context, consumers ensure that the public interest is represented in the standardisation work that complements European legislation and broader public policy initiative*

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<sup>11</sup> ANEC position on EC ICT standardisation White Paper, Sept 09 (ANEC-ICT-2009-G-040final)