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# TRANSMIT

Quarterly update on the latest regulatory and legal developments in the communications, media, space and satellite industries across Europe with contributions from our offices in Brazil, China and the United Arab Emirates

With a section on the United States contributed by Sherman & Howard LLC

CMS - January 2014



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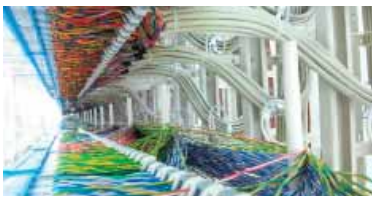
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# Welcome to TRANSMIT JANUARY 2014

This edition includes contributions from the United Kingdom, the Czech Republic, Germany, Hungary, Italy, Romania, Russia, Spain, Switzerland, Ukraine, Brazil, China, the United Arab Emirates, Europe, and the United States.

Contact details are provided for each country. Please contact us if you have any queries.



CMS Cameron McKenna is in this area of law 'outstanding' with 'excellent knowledge of regulation and policy, as well as the relevant technical and commercial issues'.

*Chambers & Partners, 2010*

*TRANSMIT* is prepared by CMS Cameron McKenna. It should not be treated as a comprehensive review of all legal developments it covers. It cannot substitute individual legal advice for existing circumstances. Also, while we aim for it to be as up-to-date as possible, some recent developments may miss our printing deadline.

# United Kingdom



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## Communications

### **Ofcom Draft Annual Plan 2014/2015**

Ofcom has published its Draft Annual Plan setting out its strategic purposes, proposed priorities and work programme for 2014/2015. Its seven priorities and major work areas are to: (i) promote effective competition and informed choice; (ii) secure optimal use of spectrum; (iii) maintain audience confidence in broadcast content; (iv) ensure the availability of communications services; (v) ensure the quality of communications services; (vi) target cost and value issues; and (vii) encourage the take-up of services.

Ofcom's consultation on its Draft Annual Plan closes on 14 February 2014, and the final Annual Plan will be published in March.

For more information, please go to:

<http://stakeholders.ofcom.org.uk/consultations/draft-annual-plan-2014-15/>

### **Ofcom seeks to update guidance on network security**

It is vital that communications services and networks remain secure if they are to satisfy customers' needs. This was recognised at a European level in 2009 when Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services was amended by Directive 2009/140/EC.

Following the changes at European level, the UK Communications Act 2003 was amended to introduce new obligations on the providers of public services and networks to ensure appropriate security and availability, and to report any significant problems to Ofcom. In addition, new duties and powers were given to Ofcom to enforce these obligations.

In 2011, Ofcom published guidance on the new security requirements. This covers, for instance: risk management procedures and basic security measures; measures to protect interconnecting networks; and incident reporting. Ofcom now seeks to update this guidance.

The update will reflect changes in the security environment and to technology over the last two years, as well as Ofcom's experience of working with the existing guidance.

Ofcom's consultation on the updated guidance will close on 21 February 2014, and the guidance be published later in 2014.

For more information, please go to:

<http://stakeholders.ofcom.org.uk/consultations/cfi-security-resilience/>

### **Ofcom publishes its Mobile Data Strategy**

Mobile data services, and the applications they support, deliver substantial benefits to UK citizens and consumers. Demand for mobile data is growing rapidly and will almost certainly continue to grow in the future as new technologies emerge.

Ofcom has already taken steps to improve the provision of mobile services in the UK and to address the challenges raised by increased demand. These include: taking steps to address the significant market power of BT and KCOM in the wholesale provision of Ethernet leased lines; publishing a five-point plan for improving mobile coverage; and progressing work on a number of spectrum bands. Ofcom hopes that the latter will see the award of 2.3 and 3.4 GHz spectrum bands and enable the use of TV 'white spaces'.

Ofcom recognises that it particularly needs to look to the future where spectrum is concerned. This is because



important decisions in relation to future bands for mobile data will soon be taken at the World Radiocommunication Conference 2015 (WRC-15) and because changes in spectrum use can take many years to bring about.

The Mobile Data Strategy is aimed at identifying and prioritising actions which Ofcom could undertake to ensure continued long-term growth in consumer and citizens' benefits arising from an increased use of mobile data services. In particular, it identifies a number of spectrum bands where it considers that further work should be carried out to consider how they might be available for mobile data use in the future.

Ofcom's consultation on the Mobile Data Strategy closed on 30 January 2014.

For further information, please go to:

[http://stakeholders.ofcom.org.uk/binaries/consultations/mobile-data-strategy/summary/MDS\\_Condoc.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/mobile-data-strategy/summary/MDS_Condoc.pdf)

#### **Proposed Wireless Telegraphy (Limitations of Number of Licences) Order**

Section 29 of the Wireless Telegraphy Act 2006 (Act) provides that Ofcom must make an order imposing limitations on the use of particular frequencies if it considers this appropriate for the purpose of securing the efficient use of the electromagnetic spectrum in the UK. It also requires that Ofcom will keep such an order under review, and revoke it or amend its provisions if it considers this necessary to secure efficient use of the electromagnetic spectrum.

Ofcom's proposed Wireless Telegraphy (Limitations of Number of Licences) Order 2014 (Proposed Order) would revoke the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 and the Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006 in accordance with Section 29 of the Act. It would detail key aspects of the UK's arrangements for spectrum

authorisation, in particular the limitations imposed on the number of licences to be granted.

The Proposed Order would also: include new licence products in light of policy decisions taken by Ofcom since 2006; update existing licence products; update references to the Technical Frequency Assignment Criteria and relevant legislation; and exclude licence products where licences are no longer available and have been replaced by newer products.

Ofcom's consultation on the Proposed Order ended on 10 January 2014.

For further information, please go to:

<http://stakeholders.ofcom.org.uk/consultations/limitation-order/>

## **Media**

#### **Ofcom publishes General Procedures for investigating breaches of broadcast licences**

In July 2013, Ofcom consulted on new General Procedures for investigating breaches of broadcast licences, and its final statement was published on 18 December 2013.

The new General Procedures will allow Ofcom to: enter an initial assessment stage following a complaint; publish a list of cases that have reached this stage but have not led to an investigation; publish a list of new investigations; publish details of decisions that have been made following such investigations; and introduce key performance for assessing complaints (15 working days) and the completion of investigations (50 working days).

For more information, please go to:

<http://stakeholders.ofcom.org.uk/binaries/consultations/general-procedures/statement/statement.pdf>

## Satellite

### **Reform of the Outer Space Act 1986**

On 6 December 2013, the UK Space Agency (UKSA) published the Government's response to its May 2012 consultation document entitled 'Reform of the Outer Space Act 1986'.

The Outer Space Act (OSA) regulates individuals and organisations from the UK, the Crown Dependencies and the Overseas Territories who launch or procure the launch of space objects, who operate space objects, and/or who conduct any activities in outer space. Section 10 of the OSA requires regulated individuals and organisations to provide an unlimited indemnity to the UK Government against "any claims brought against the government in respect of damage or loss arising out of activities carried out by him to which this Act applies".

Section 10 seeks to mitigate risks to the UK Government under the UN Liability Convention, which makes the UK State internationally liable for third party costs for accidental damages arising from UK space activities.

UK space operators have long argued that the unlimited indemnity should be capped. It is not reflected in the legislation of other space-faring countries and is seen to pose a competitive disadvantage to UK companies. It can also pose difficulties for space operators when they seek to raise finance.

The UK Government responded to these arguments in its 2011 Government Growth Review, which proposed a cap on the Section 10 indemnity. The May 2012 consultation asked stakeholders to give their views on the proposed cap. Now, the Government's response confirms that the unlimited indemnity will be capped at

€60 million for the majority of missions. This will be achieved by means of a Legislative Reform Order.

For more information, please go to:

<http://www.bis.gov.uk/assets/ukspaceagency/docs-2013/gov-response-osa-consultation.pdf>

### **Space Innovation and Growth Strategy 2014-2030: Space Growth Action Plan**

The Space Innovation and Growth Strategy (IGS), published in 2010, outlined a 20 year vision and strategy for the growth of the UK space industry. It sets a key target for the industry: to grow the UK's share of the world's space economy from 6.5% to 10% by 2030. The IGS has transformed the landscape of the UK space sector and increased UK Government investment in space.

In 2013, the UK Space Agency and the space industry launched a "Restack" of the IGS. This was aimed at reaffirming actions from the IGS and at identifying new actions needed to deliver future growth.

On 14 November 2013, the space industry published the Space Innovation and Growth Strategy 2014-2030: Space Growth Action Plan". This responds to the IGS "Restack" and sets actions and recommendations for achieving the IGS growth target. It also sets an interim target for the UK space industry: to grow the UK's share of the world's space economy to 8% by 2020.

The UK Government's response to the "Restack" is expected in early 2014.

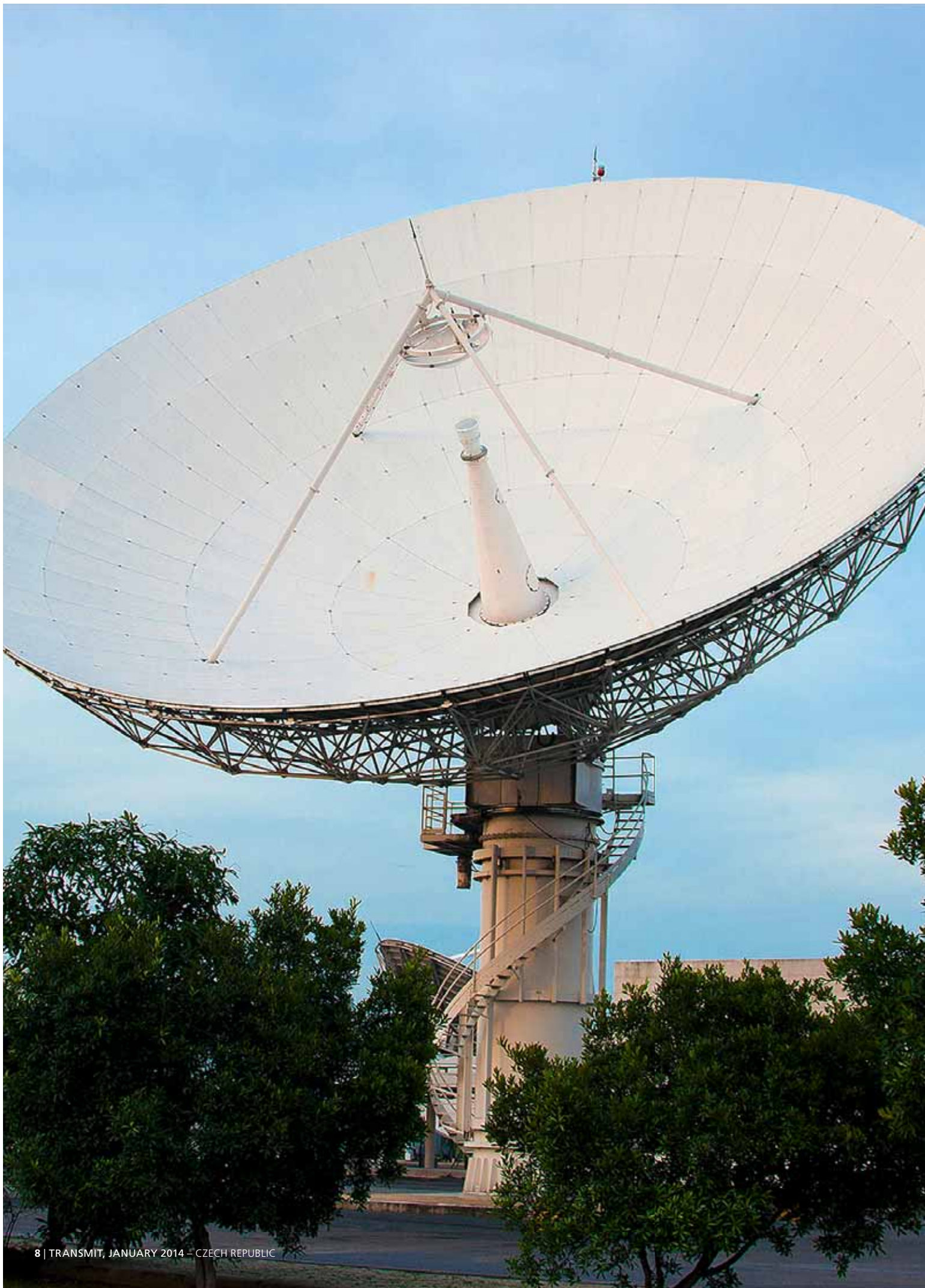
For more information, please go to:

<http://www.bis.gov.uk/assets/ukspaceagency/docs-2013/igs-action-plan.pdf>











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## Communications

### **Recommendations from the Czech Telecommunications Office**

In January 2014, the Czech Telecommunication Office (CTU) issued its 'Recommendations on Proposals for the Provision of Publicly Available Electronic Services', which gives recommendations on the form and content of operators' contracts. The most significant of the CTU's recommendations are as follows:

- A contract should be simple and clearly structured, so that it can be understood by the parties.
- A contract should ideally be limited to: (i) the main contract, which should include specific features of the service provided; (ii) general business terms and conditions, specifying all information that is general and is not tailored to the service provided; and (iii) a price list that clearly indicates all contractual charges.
- A contract should clearly list all ancillary documents.

## Media

### **Sanctions for exceeding advertising time limits**

Under the Act on Radio and Television Broadcasting (Act), the time reserved for advertisements and teleshopping commercials during television broadcasting must not exceed 12 minutes per hour. The Council for Radio and Broadcasting (Council) is responding to increased violations of the Act by issuing a higher number of penalties. The Council is entitled to issue penalties of CZK 5,000 to 2.5 million on an operator in respect of a single violation.

## Satellite

### **Collective administrators versus satellite operators**

Czech satellite operators have been faced with a trend where collective administrators of copyrights and other proprietary rights have contacted them and have asked them to enter into licence agreements and pay licence fees for the works that they transmit. Historically, collective administrators have directed such communications to direct broadcasters, and not to satellite operators. Intense negotiations between collective administrators and satellite operators are ongoing and the issue is likely to be resolved by the courts.

# Germany

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## Communications

### **Telecommunications Activity Report 2012/2013 published**

On 16 December 2013, the Federal Network Agency (Bundesnetzagentur) published its Activity Report 2012/2013 on the telecommunications market.

According to the Activity Report, the number of people seeking broadband access in Germany rose to 28.4 million. This corresponded to a penetration rate of over 34% in relation to the number of inhabitants (compared to an EU average of 28.8%) or 70% in relation to the number of households. Germany's broadband coverage was therefore found to substantially exceed that of other European states. Download speeds of at least 1 Mbps are now available to 99.8% of households and 98% of households have access to download speeds of at least 2 Mbps. In view of these figures, the Bundesnetzagentur currently sees no need to expand the scope of the universal service to broadband access.

The Bundesnetzagentur did, however, stress that closer attention has to be paid to the roll-out of high-performance networks. To date, cable TV operators have been the prime drivers of broadband coverage and offer data transmission rates of 50 Mbps or more. Since 2010, this coverage has increased by about 40% and, today, just over 58% of households can use these high-performance connections. According to the Bundesnetzagentur, it is vital to ensure that all market players capable of making a positive contribution are given the right environment.

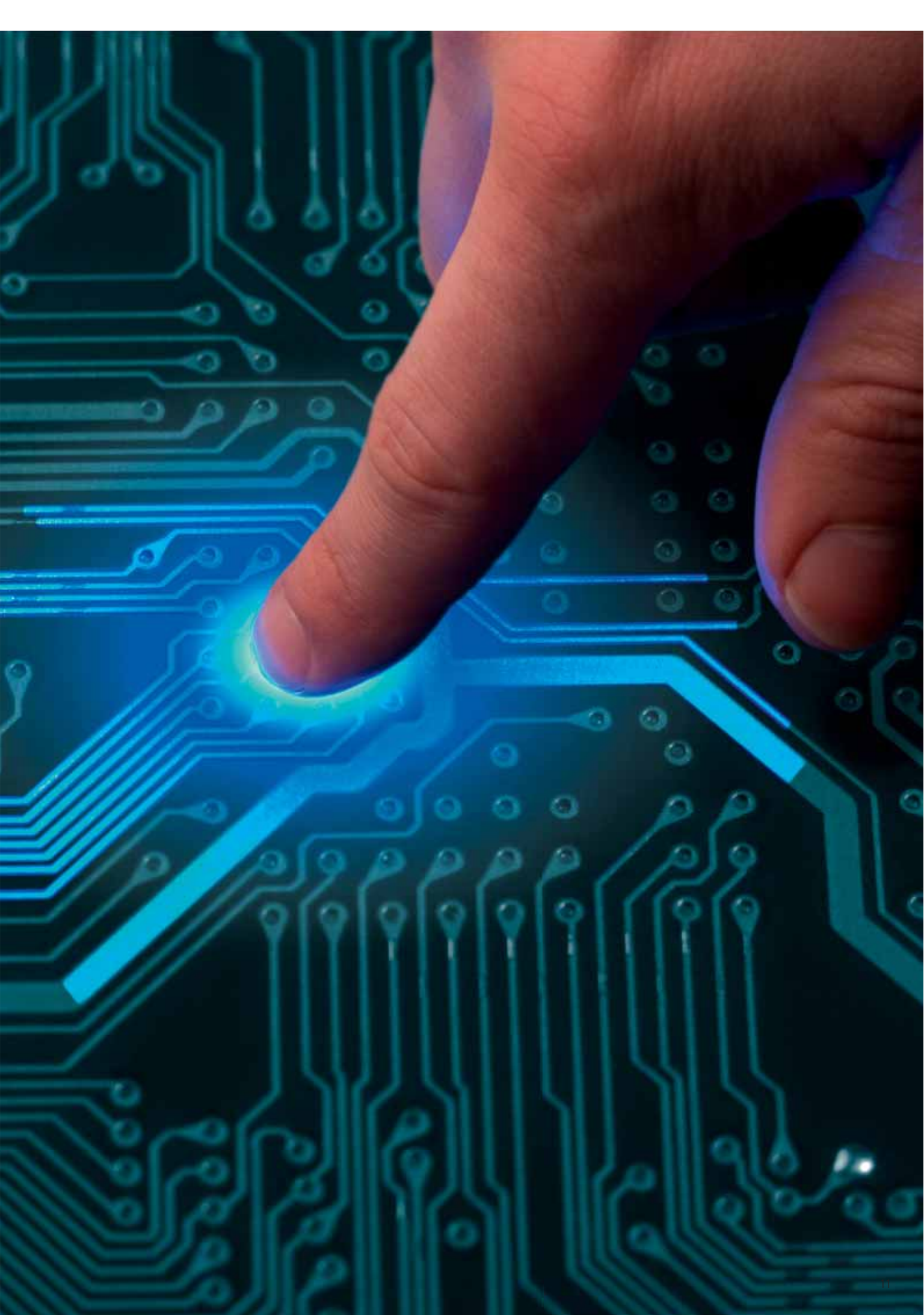
For more information, please go to:

[http://www.bundesnetzagentur.de/cln\\_1911/SharedDocs/Pressemitteilungen/EN/2013/131216\\_ActivityReports\\_2012-2013.html?nn=492756](http://www.bundesnetzagentur.de/cln_1911/SharedDocs/Pressemitteilungen/EN/2013/131216_ActivityReports_2012-2013.html?nn=492756)

For the entire report please go to:

[http://www.bundesnetzagentur.de/SharedDocs/Downloads/DE/Allgemeines/Bundesnetzagentur/Publikationen/Berichte/2013/131216\\_TaetigkeitsberichtTelekommunikation2012-2013.pdf?\\_\\_blob=publicationFile&v=8](http://www.bundesnetzagentur.de/SharedDocs/Downloads/DE/Allgemeines/Bundesnetzagentur/Publikationen/Berichte/2013/131216_TaetigkeitsberichtTelekommunikation2012-2013.pdf?__blob=publicationFile&v=8)





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## Communications

### Digital switchover completed

The procedure for the switchover of terrestrial TV broadcasting from analogue to digital was completed on 31 October 2013. It was carried out in two phases, the first of which started on 31 July last year. DVB-T (or Digital Video Broadcasting Terrestrial) broadcastings are provided by Antenna Hungária, a subsidiary of TDF. There were no major problems in the switchover, which affected an estimated 400,000 users.

### Spectrum tender for 450 MHz frequency block

On 6 December 2013, the Hungarian national regulatory authority issued a tender for the use of the 450 MHz spectrum block for 10 years. The block will mainly be used for government purposes, but any surplus may be used for “innovative civil purposes”, such as machine-to-machine and smart metering. The closing date for tenders was 15 January 2014, and the sole tenderer was the state-owned MVM NET Zrt.

### Draft spectrum tender for mobile broadband

The Hungarian national regulatory authority has published draft spectrum tender documentation for mobile broadband, which affects the following frequency bands: 800 MHz; some unused blocks in 900 and 1800 MHz; and blocks of 2600 MHz and 26 GHz.

Companies may tender for different “packs” of spectrum, which have different prices based on their market value. Packs A to C cover 800 MHz, 900 MHz and 2600 MHz only. Pack A, by way of example, would cost a minimum of €130 million and would give access to: 20 MHz of blocks in 800 MHz; 4 MHz in 900 MHz; and 60 MHz in 2600 MHz. Packs D to I cover 1800 MHz, 2600 MHz and 26 GHz, at prices between

€500,000 and €17.6 million. A single tenderer can only win one of Packs A to C, but there is no such constraint for Packs D to I.

The usage rights of incumbent mobile operators operating in frequency bands 900 MHz and 1800 MHz are not affected by this tender. These were prolonged until 2022 in September 2013.

There is no fixed date by which the final tender documentation must be published.

### Tender for the provision of universal service in electronic communications

On 4 November 2013, the Hungarian national regulatory authority issued a tender for universal service in electronic communications. Currently, there is no service provider with a universal service commitment.

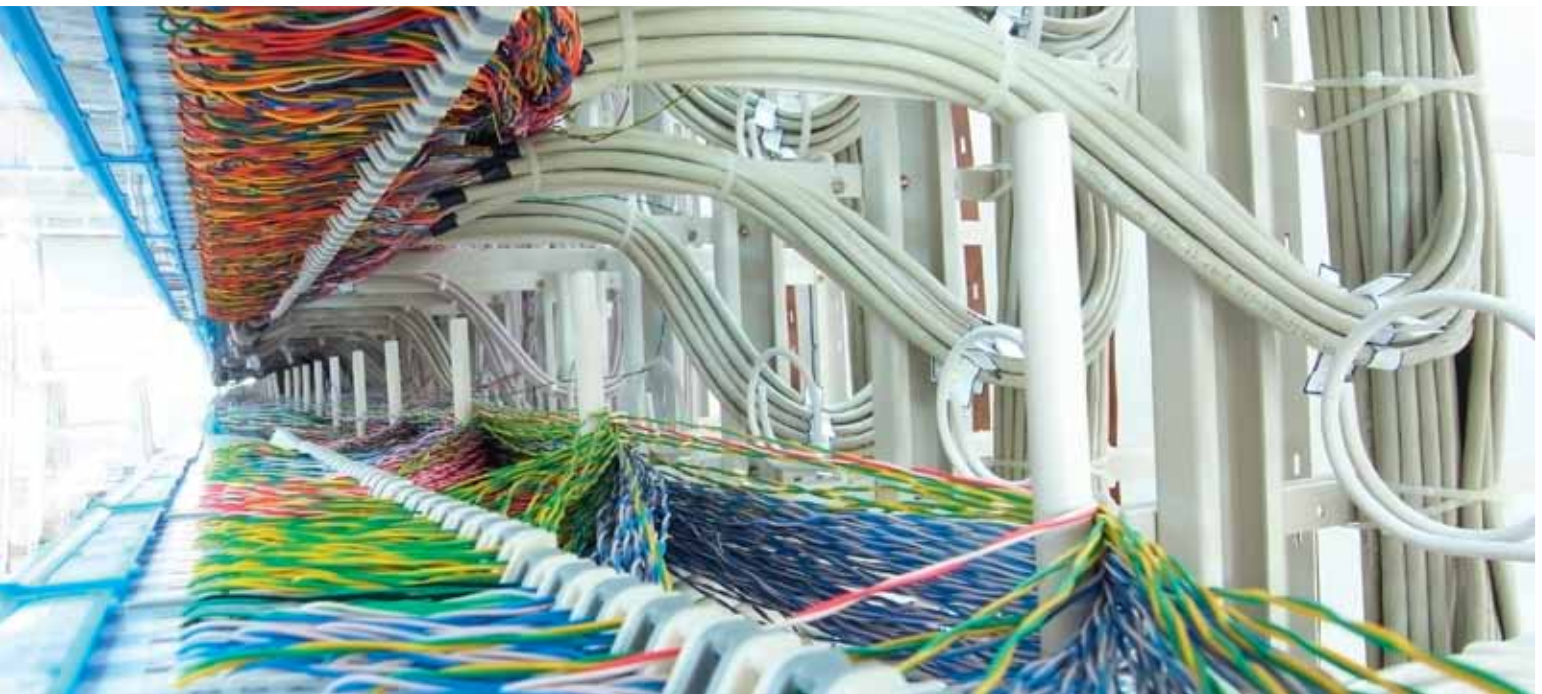
The award will be decided predominantly on the basis of the level of net avoidable costs the tenderer presents and what the tenderer considers to comprise an unfair burden of the universal service.

The deadline for the tender has expired but, as yet, there is no information on its award.

### Changes to the executive decree on telecommunications data breach notifications

Commission Regulation 611/2013/EU of 24 June 2013 on the measures applicable to the notification of personal data breaches under Directive 2002/158/EC of the European Parliament and of the Council on privacy and electronic communications has brought about changes to the current Hungarian executive decree on data breach notifications. This makes the data breach notification procedure in Hungary more strict and significantly more detailed.





### **New whistleblowing law**

From January 2014, a new whistleblowing law will be introduced for employers and/or their parent companies in Hungary. The new law, which replaces 2009 legislation, will particularly affect the processing of personal data in relation to whistleblowing procedures, as well as employers' disclosure obligations. The new law also incorporates the practice of employers must now register their whistleblowing procedures with the Authority for Data Protection and Freedom of Information (NAIH).

Under the new law, personal data can only be transferred outside the EEA if a written data transfer agreement is concluded and the personal data has an 'adequate level of protection' (as required by EU law). No sensitive personal data may be processed as part of the whistleblowing procedure.

Whistleblowing reports must be investigated within 30 days, although this can be extended to a maximum of three months in exceptional circumstances where the report is not made anonymously and the whistleblower is notified at the same time. The employer must destroy all data relating to the investigation within 60 days if it concludes that the report is baseless, or that no action is necessary. Otherwise, it may process data by closing the investigation (in a binding and enforceable manner).

Companies operating whistleblowing procedures must ensure that they comply with the new law by 1 January 2014. If such companies violate the new data privacy rules, NAIH can fine them between HUF 100,000 and HUF 10 million.

### **New guidelines on data processing agreements**

NAIH has issued new guidelines on data processing agreements, and can impose a fine of HUF 1.5 million for violating data privacy regulations.

Following a recent hacking incident, the names, email addresses, phone numbers, dates of birth, places of residence, login details and passwords of around 50,000 people taking part in a promotion were made public on the internet for more than nine months.

NAIH's subsequent investigation found that the hacking was due to gross negligence on the part of the company organising the promotion (and the third party service providers it had engaged), which had stored the data in a vulnerable place with security gaps that made it accessible from the internet. NAIH also found shortcomings in the legal relationship between the company and the third party service providers, as their agreement did not appropriately clarify their responsibilities for processing customer data.

Companies failing to ensure that their data processing agreements comply with the new NAIH guidelines could face a fine of between HUF 100,000 and HUF 10 million.

# Italy



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## Communications

### **AGCOM launches a public consultation on a draft regulation for broadcasting companies**

The Italian Communications Authority (AGCOM) has published a draft regulation providing for new rules and procedures on the:

- authorisation process for transferring the ownership of broadcasting companies - the new rules would apply where a transfer of ownership (e.g. a transfer of share capital, a transfer of controlling shares) has an impact on a radio or television broadcaster (i.e. a company which holds an authorisation or a licence for radio or television broadcasting; a company which holds a licence for the installation and operation of booster services; network operators; media service providers; providers of associated interactive services; conditional access providers);
- notification of mergers and agreements restricting competition – mergers and acquisitions would need to be notified to AGCOM if the aggregated national turnover of the interested companies is above €482 million and if the national turnover of the target company is over €48 million;
- identification by AGCOM of firms holding a dominant position in a determined market – the draft regulation provides for a single procedure by which AGCOM may request information, carry out inspections and obtain experts' opinions for the purposes of analysing the market and identifying firms in a dominant position; and
- identification by AGCOM of a dominant position in the market – the draft regulation provides for a simplified procedure for the assessment of a dominant position in the market.

The consultation on the draft regulation will close on 6 February 2014.

### **AGCOM intends to regulate machine-to-machine services**

Machine-to-machine (M2M) is a generic concept that indicates the exchange of information in data format between two remote machines through a mobile or fixed network without human intervention. M2M services are used, for instance, as a means of payment, for tele-management and tele-measurement in the distribution of utilities, and in safety and alarm systems.

According to research conducted by the industry association, GSMA, the number of mobile connected devices worldwide is set to grow 100% (from more than 6 billion today to 12 billion in 2020). This trend will provide significant growth potential for M2M technologies.

In this context, AGCOM has launched a consultation on M2M services. The consultation aims to allow AGCOM to: (i) study the factors that influence the development of M2M services (e.g. interoperability obstacles), and the interaction between M2M service providers; (ii) evaluate how M2M services are currently used and provide development forecasts; (iii) identify the legal barriers that might jeopardize the development of the M2M market (with particular reference to numbering and roaming issues); and (iv) identify the areas where the interaction of the national and European regulatory authorities should change.

According to AGCOM, responses to the consultation will influence new regulations on M2M in Italy.

Contributions to the consultation will be accepted until 14 May 2014.





## Media

### **New regulation on online copyright protection**

On 12 December 2013, following a long and much-debated public consultation, AGCOM approved the long-awaited regulation on the administrative enforcement of online copyright infringement, which will come into force on 31 March 2014.

In short, the regulation provides that any rights' holder can initiate a procedure before AGCOM to remove infringing content on the web simply by using a standard form available on AGCOM's website. Unless the removal request is invalid or manifestly groundless, AGCOM will, within seven days, notify the service provider hosting the content, as well as any mere conduit to the content and, if traceable, the content uploader of the procedure. Within five days of such notification, those bodies must either remove the content or present a defence. In the latter instance, AGCOM may carry out further investigations and will have 35 days from when the rights' holder initiated the procedure either to dismiss the case or order removal of the relevant infringing content. If AGCOM orders infringing content to be removed, this must be done within three days.

If the website on which the infringing content is published is hosted on a server located outside Italy, AGCOM can order the relevant information society service provider to selectively remove such content or, in the case of a serious infringement, can block access to the website. The regulation also provides for a shortened procedure in the case of a serious infringement or an infringement involving a large

volume of copyrighted contents. A similar administrative procedure is also envisaged in cases where copyright infringement is carried out by media service providers.

The regulation does not apply in the case of downloading or streaming of infringing contents by end users, or in relation to copyright infringement through file-sharing software.

It should also be noted that the regulation does not grant AGCOM power to take steps against search engines or other caching service providers.

# Romania

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## Communications

**ANCOM designates Romanian Post National Company as a universal service provider**

On 20 December 2013, during its Consultative Council, the Romanian Authority for Management and Regulation in Communications (ANCOM) adopted a decision designating the Romanian Post National Company S.A. (CNPR) a universal service provider for the period 1 January 2014 to 31 December 2018 in respect of all in-scope postal services.

As a universal service provider, CNPR will be obliged to provide in-scope postal services throughout Romania. This obligation extends to sparsely populated geographic locations where the reduced number of cleared and distributed postal items does not justify the

presence of a postal provider on commercial principles. CNPR will also be obliged to ensure a daily clearance from every access point and a daily delivery to each indicated address in every Romanian locality for five days a week. The delivery obligation is replaced by a duty to deliver less frequently in certain locations characterised by exceptional geographic conditions.

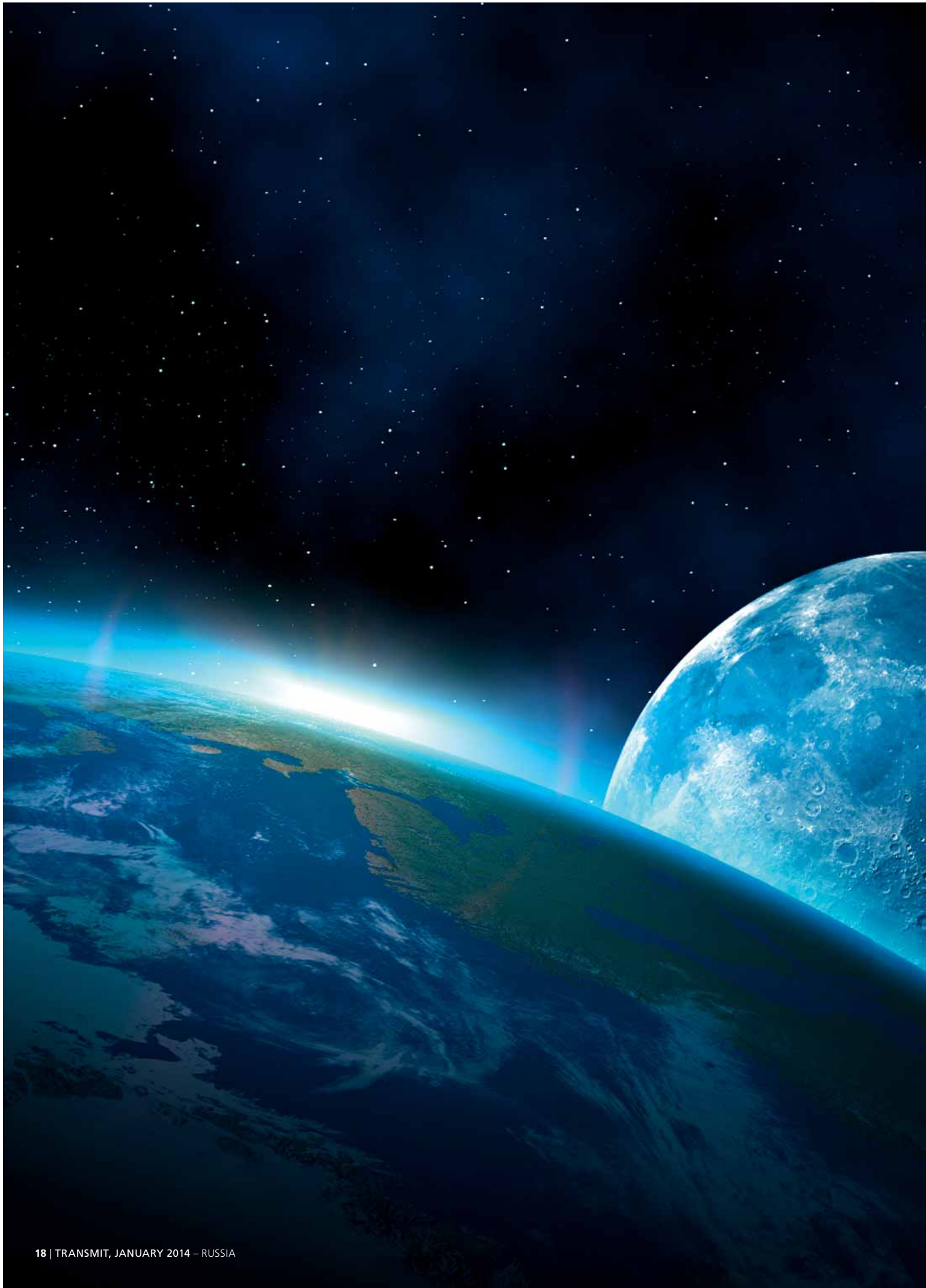
For more information, please go to:

[http://ancom.org.ro/20-decembrie-2013\\_5150](http://ancom.org.ro/20-decembrie-2013_5150)



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## Satellite

### Change of principal regulator

Draft Law No. 231272-6 on Amending the Federal Law on Communication (Draft Law) was prepared by the Ministry of Telecommunications and Mass Media (the Minkomsvyaz) and was submitted to the State Duma on 28 February 2013. It has now been signed into law by the Russian President, and came into force on 21 October 2013.

The Draft Law makes the Government of the Russian Federation responsible for defining the terms of foreign

satellite systems in Russia and for organising the allocation and protection of radio frequencies. Previously, the Frequency Commission (the GKRCH) had acted as the principal regulator.

The main regulatory provisions will be reflected in Government resolutions. These will focus on the protection of the orbital and/or spectrum resources of the Russian Federation and on granting access to foreign satellites.

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## Communications

### **CNMC publishes its Q3 2013 'Telecommunication and Audiovisual Services' Report**

The Spanish regulatory body, the Comisión Nacional de los Mercados y la Competencia (CNMC), has published its 'Telecommunication and Audiovisual Services' Report for Q3 2013. The report details that:

- Total revenues for the sector fell 7.8% year on year in Q3. Revenues for final services fell by 6%, while those for wholesale services decreased by 16.3%. The main reason for this reduction was the drop in interconnection services due to the new mobile termination rates that have applied since July 2013.
- In line with recent trends, mobile broadband was the only service to grow in Q3, with an interannual revenue increase of 19.7%. By contrast, revenues for other mobile communications (i.e. voice and message) fell by 21.3% year on year.
- The revenues of the three main operators (Telefónica, Movistar and Vodafone) fell, whilst those of Orange grew only slightly. Jazztel was the only operator whose revenues increased at a rate of more than 10%.
- Combined voice and broadband services packages recorded 4.3 million packages in September 2013, just over a year after their launch in the market, whilst packages including pay TV services reached 572,303 packages.
- The number of lines for fixed and mobile broadband services continued to grow in Q3. The total number of mobile lines that were connected to the internet, including data cards, increased by 34.6% year on year. This increase is due to the significant increase in the number of lines linked to mobile broadband.

- New generation services (NGA) accesses, or access to next generation networks (which permit very high speed connections), grew by 16.5% over the last year.
- In September 2013, more than 1.5 million broadband connections had a contracted speed of 30 Mbps or above, a significant interannual increase of 52.9%.

For more information, please go to:

[http://cmtdata.cmt.es/cmtdata/files/Sintesis\\_3T\\_2013\\_eng.pdf](http://cmtdata.cmt.es/cmtdata/files/Sintesis_3T_2013_eng.pdf)

### **Telefónica, Vodafone and Orange will support the 2010 Universal Service Fund**

The General Telecommunications Act defines 'universal service' as a set of services whose provision to end users is guaranteed regardless of their geographical location, at a specified quality and an affordable price. Pursuant to a Resolution dated 13 December 2012, the Government appointed Telefónica as the operator which would provide this universal service at a net cost of €43.58 million.

As the Spanish regulatory body, CNMC is responsible for deciding whether the total annual cost for the services constitutes an unjustified burden for Telefónica. The CNMC has now decided to share the total cost between several operators so that Telefónica will finance €16.40 million and Telefónica Móviles will finance €13.09 million, whilst Vodafone will finance €9.3 million, and France Telecom will finance €4.77 million.

For more information, please go to:

[http://www.cnmc.es/Portals/0/Ficheros/sala\\_de\\_prensa/2014/01\\_Enero/20140102\\_NP\\_ServicioUniversal\\_2010.pdf](http://www.cnmc.es/Portals/0/Ficheros/sala_de_prensa/2014/01_Enero/20140102_NP_ServicioUniversal_2010.pdf)





#### **Increase in IT spending by Spanish households**

A report by the National Observatory of Telecommunications and the Information Society has revealed that there was a 33% increase in IT spending in Spanish households between 2004 and 2012.

The report shows that 30.2% of the population now contacts government bodies online, and that half of all internet users use social networks and instant messaging.

For more information, please go to:

<http://www.minetur.gob.es/en-US/GabinetePrensa/NotasPrensa/2013/Paginas/npinformepenetracioninter141113.aspx>

#### **Ministry of Industry, Energy and Tourism analyses Spanish broadband coverage**

A report by the Ministry of Industry, Energy and Tourism, which covers the first half of 2013, shows that 99% of the Spanish population has access to 3.5G mobile broadband, and that 53% of Spaniards have access to 100 MB broadband. The latter represents a 5% increase from 2012, and is due to the growth of fibre optics.

4G technology, which began to be rolled out in mid-2013, will be covered in the next edition of the report.

The report is one of the measures in the 'Telecommunications and Ultra-fast Networks Plan of the Digital Agenda' for Spain.

For more information, please go to:

<http://www.minetur.gob.es/en-US/GabinetePrensa/NotasPrensa/2013/Paginas/npcoberturabandaancha.aspx>

#### **Ministry of Industry, Energy and Tourism allocates €140 to innovative technological projects**

This year's €140 million allocation towards innovative technological projects comprises €20 million in subsidies and €120 million in loans. The minimum budget for projects has been reduced to €200,000.

Finance will be provided for projects related to future industries, cyber security, cloud computing, big data, digital confidence and international projects within the framework of the European EUREKA programme.

For more information, please go to:

<http://www.minetur.gob.es/en-US/GabinetePrensa/NotasPrensa/2014/Paginas/20140116-ayudas-tic.aspx>

#### **Ministers Soria and García-Margallo promote new technologies for development NGOs**

The initiative promoted by the ministers has a €3.3 million budget. It seeks to give around 135 NGOs working in development cooperation access to a comprehensive solution worth €25,000 for project management, accounts and reporting. Applications must be made online through Red.es.

For more information, please go to:

<http://www.minetur.gob.es/en-US/GabinetePrensa/NotasPrensa/2013/Paginas/npsoriamargallotecnologiasongs.aspx>

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## Satellite

### **Switzerland joins the EU's Galileo satellite navigation programme**

On 18 December 2013, Switzerland signed a cooperation agreement to participate in the Galileo and EGNOS programmes – the pillars of the EU's Global Navigation Satellite System (GNSS).

Galileo is an European-controlled, satellite-based navigation system that aims to provide a number of services to commercial and non-commercial users equipped with Galileo-compatible receivers. Galileo consists of 30 satellites and several terrestrial installations. The EGNOS system is aimed at improving the accuracy of the open service provided by the system resulting from the Galileo programme.

Thanks to this cooperation agreement, Switzerland will have access to the full range of services of GNSS, which is expected to provide significant business opportunities.

Switzerland has undertaken to contribute around €27 million per year to the programmes. The cooperation agreement, signed in Brussels, also covers cooperation in areas such as security, export control, standards, certification and industrial cooperation.

For more information, please go to:

<http://www.news.admin.ch/message/index.html?lang=de&msg-id=51367>







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## Communications

### **Implementation of mobile number portability and personal number usage postponed**

On 17 December 2013, the National Commission for the State Regulation of Communications and Informatization (NCCIR) approved the postponement of the implementation of the mobile number portability (MNP) and the personal number usage (PNU) services in the mobile communications network. These are now due to be implemented on 1 July 2014. According to the NCCIR, the delay was approved in order to ensure the appropriate conditions for the MNP and PNU high-quality services implementation.

For more information, please go to:

[http://www.nkrzi.gov.ua/uk/activities\\_nkrzi/news/1389178609/](http://www.nkrzi.gov.ua/uk/activities_nkrzi/news/1389178609/)

### **New types of radio electronic facilities and radiation devices may be used in Ukraine**

On 21 January 2014, the NNCIR adopted the decision to add 47 new types of radio electronic facilities to the register of radio electronic facilities and radiation devices

which may be used in Ukraine within public bands. The 47 added types of radio electronic facilities comprise:

- 14 types of cellular mobile radio system equipment;
- four types of broadband wireless access system equipment;
- one type of microwave line-of-sight system equipment;
- seven types of telemetry, telecommand and data operation system equipment;
- four types of wireless personal sound system equipment; and
- 17 types of equipment used in combined products.

For more information, please go to:

<http://www.nkrzi.gov.ua/uk/>

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## Communications

### **Antel approves 700 MHz band for mobile services**

On 1 November 2013, the Agência Nacional de Telecomunicações (Anatel), Brazil's telecoms regulator, approved the allocation of the 700 MHz band for the use of 4G telephony and internet. Anatel subsequently published Resolution No. 625/2013 (Decree) on 13 November providing details of an auction of the spectrum to telecoms operators, which is scheduled for May 2014. According to the Decree:

- four lots of 10+10 MHz (or a maximum of 20+20 MHz, if necessary) of frequency blocks in the range 698 MHz to 806 MHz will be tendered for mobile services, internet and fixed telephony;
- smaller blocks within the same range will be allocated for public security, national defence, and infrastructure services; and
- all transmission in the frequency range must be able to interoperate with existing systems in Brazil and, in border areas, with neighbouring countries.

The 700 MHz band is currently occupied by free-to-air TV channels. To avoid clashes with broadcasters, the cost of migrating the affected channels will be borne by the operators selected at auction. Full tender terms are expected to be published later this year once frequency interference tests have been carried out.

For more information, please go to:

<http://anatel.gov.br/Portal/exibirPortalInternet.do>

### **Criteria and procedures published to implement TACs**

On 16 December 2013, Anatel published Resolution No. 629/2013 (Decree) permitting the use of "Termos de Compromisso de Ajustamento de Conduta" (TACs). TACs are instruments which allow mobile operators to pay off fines with investments that will improve telecoms services. Operators will be able to apply TACs

instead of paying fines levied by the government in relation to poor telecoms services provided to consumers. However, they will not be able to convert fines that they have chosen to challenge in court. The ambit of what would be considered an "investment" is broad and could include operators expanding their coverage to less developed areas and modernising physical infrastructure.

For more information, please go to:

<http://www.anatel.gov.br/Portal/exibirPortalInternet.do>

### **Increase in minimum broadband speed**

From 1 November 2013, an operator must guarantee a monthly average speed of at least 70% or above of the speed that was offered in their plan to consumers. This means that, for example, on a plan offering a speed of 10 Mbps, the average monthly speed should be no less than 7 Mbps. The new threshold will apply to fixed broadband and mobile phone services. Furthermore, on any given day, the speed must not fall below 30% of that offered in the operator's plan to consumers. Prior to 1 November 2013, these targets were 60% and 20% respectively.

Operators that do not comply with the new targets will be subject to sanctions from Anatel, including temporary suspensions and fines of up to 50 million reais (€15.4 million).

For more information, please go to:

<http://www.anatel.gov.br/Portal/exibirPortalInternet.do>

### **Internet content providers and users' personal data**

The Superior Tribunal de Justiça (STJ), Brazil's Supreme Court, has ruled that internet content providers must keep records of their users' details for a period of at least three years.





In a case between an educational institution and Yahoo!, an unidentifiable user went onto a Yahoo! groups forum for professors and alumni belonging to the educational institution and sent an offensive message. The institution attempted to force Yahoo! to provide information which would identify the user responsible for the message. Yahoo! had not kept the necessary information as the user had cancelled their account and alleged in its defence that there were no legal requirements to keep records of old users.

In its ruling, the STJ stated that online content providers must keep information identifying their users for the purposes of being able to provide such information should the user cause damage to another user of the service. This, the court ruled, is in line with Article 17 of Brazil's Consumer Code, obliging companies to be able to identify those who have caused damage to their consumers.

For more information, please go to:  
[http://www.stj.gov.br/portal\\_stj/publicacao/engine.wsp?tmp.area=398&tmp.texto=112338](http://www.stj.gov.br/portal_stj/publicacao/engine.wsp?tmp.area=398&tmp.texto=112338)

## Media

### **Number of pay-TV subscribers increases by 13% in 12 months**

According to Anatel, the number of pay-TV subscribers increased by 13% to 17.7 million in the period between October 2012 and October 2013. It is now estimated that pay-TV is viewed by 56.6 million people.

For more information, please go to:  
<http://www.anatel.gov.br/Portal/exibirPortalInternet.do>

## Satellite

### **Auction of satellite exploration rights**

Anatel has approved an auction for the operational rights to four geostationary orbital positions. These will be used to enhance Brazil's broadband, digital TV and mobile phone services. The operation rights will be for a duration of 15 years, with a possibility to renew for a further 15 years. The minimum price and exact date of the action have not been disclosed, although Anatel hopes that the auction will take place by March 2014. Each bidder will be entitled to a maximum of two of the four orbital positions on offer. Anatel is auctioning these rights in order to improve communications services ahead of the World Cup and to increase the use of satellites within Brazilian territory.

For more information, please go to:  
<http://www.anatel.gov.br/Portal/exibirPortalInternet.do>

### **Anatel authorises the temporary use of spectrum for up to 120 days for the World Cup**

On 19 December 2013, Act 139/2014 (Act) came into force. The Act sets out conditions for processing applications for temporary use of radio frequencies during the 2014 FIFA World Cup. Pursuant to the Act, Anatel may authorise the temporary use of spectrum for up to 120 days, as opposed to the current limit which is 45 days. In order to qualify, transmissions must start before the official opening of the World Cup on 12 June 2014.



# China



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## Communications

### **Shanghai Free Trade Zone now allows 100% foreign-owned value-added telecoms companies**

On 6 January 2014, the Ministry of Industry and Information Technology of the People's Republic of China (MIIT) and the People's Government of Shanghai jointly released the 'Opinions regarding Further Opening up Value-added Telecom Service Sector towards Foreign Investments in China (Shanghai) Pilot Free Trade Zone' (Opinions). The Opinions clarify earlier policies in respect of the value-added telecoms sector in the Shanghai Free Trade Zone (FTZ).

According to the 'Telecom Services Catalog' (Catalog) promulgated by MIIT on 21 February 2003, value-added telecoms services in China are classified into eight categories: information service business; store-and-forward business; online data processing and transaction processing business; call centre business; domestic multi-party communication service business; internet access service business; domestic internet virtual private networks business; and internet data centre business. According to the Opinions, except for internet

data centre business, all the other seven categories are now opened up for foreign investment in the FTZ.

The Opinions require that foreign-invested companies must be legally established in the FTZ and that their service facilities must also be located in the FTZ. Except for internet access service, which can only be provided within the FTZ, the remaining six types of deregulated value-added telecoms services can be provided nationwide.

Chinese private companies obtain mobile virtual network operator licences

On 26 December 2013, MIIT issued a first batch of Mobile Virtual Network Operator (MVNO) licences to 11 Chinese private companies. With the licences, the companies are now allowed to run basic telecoms businesses by renting infrastructure from telecoms companies.

# United Arab Emirates



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## Communications

### **Gulf telecommunication companies join together for high-speed internet cable network**

The UAE's Du, Kuwait's Zain Group and Zajil Telecom and Qatari operator Vodafone Qatar have joined together to launch a high-speed terrestrial network named the Middle East-Europe Terrestrial System (MEETS). MEETS is a 1,400-kilometre fibre optic network linking the UAE, Kuwait, Qatar, Bahrain and Saudi Arabia. The first phase of the system, which has an initial capacity of 200 Gbps, will turn operational in the first quarter of 2014.

The US\$36m terrestrial network offers the advantage of lower latency rates, less risk of damage, and quicker repair times than undersea cables. The MEETS cable network will run from Fujairah to Kuwait, providing links to Bahrain, Qatar, and Saudi Arabia. Use of the network is not confined to the four operators; it is available to other operators within the Gulf region and overseas and is expected to help deliver a better quality internet service to customers in the region. The operators ultimately plan to extend the cable network through Iraq and into Turkey, thereby providing a full terrestrial fibre link to Europe, reducing the reliance on undersea cables.

### **MVNOs launched in Saudi Arabia**

Saudi Arabia's regulator, the Communications and Information Technology Commission, has awarded three mobile virtual network operator (MVNO) licences. The recipients are: Axiom Telecom, which will use Zain's network; Jawraa Consortium (Lebara), which will use Mobily's network; and Virgin Mobile Middle East & Africa, which will use Saudi Telecom Company's network. Prior to these awards, Oman was the only Gulf Cooperation Council member to have awarded MVNOs.

Additional competition is expected to result from this development, with more-affordable mobile pricing in Saudi Arabia's highly penetrated mobile market, in which prices have remained flat in recent years. However, the country's mobile network operators (MNOs) will need to approve the respective MVNOs' offers before launch, so it remains to be seen how much impact this will have on price competition. The first offers are expected to be launched in 2014.

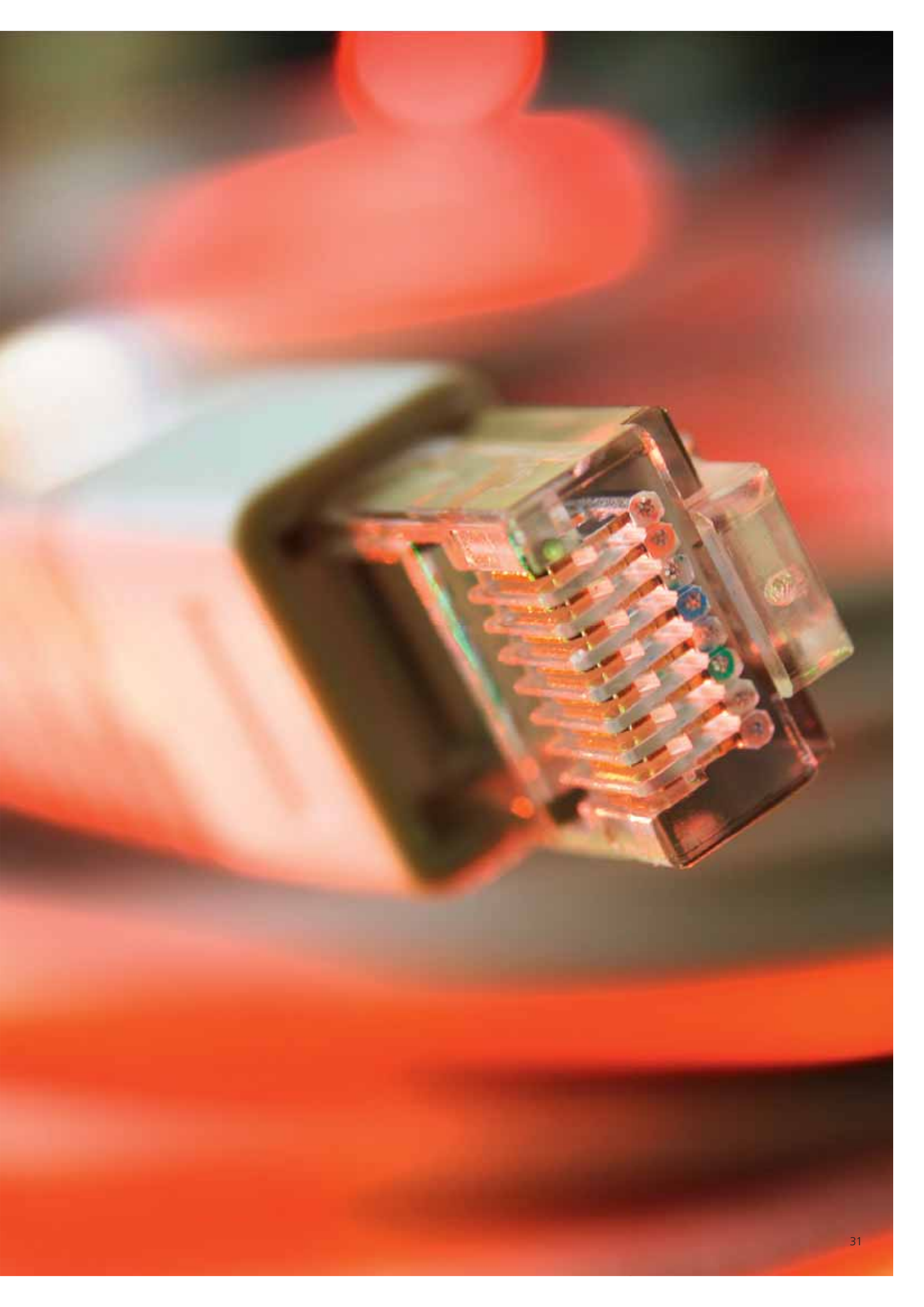
### **Mobile Number Portability is launched in the UAE**

In 2013, the UAE Telecommunications Regulatory Authority (TRA) instructed both local network operators, Du and Etisalat, to enable Mobile Number Portability (MNP) between the networks to increase competition in the UAE market, currently monopolised by the two operators. Both Etisalat and Du launched the MNP service at the end of December 2013, which is now currently operational, albeit that "teething problems" are still being reported.

Under the MNP scheme, subscribers will be able to switch service provider whilst keeping their existing number and network code, something which was previously not possible. In line with the TRA's commitment to promoting greater levels of competition in the UAE mobile market, and improving the level of service available for consumers, the MNP service will now enable consumers to choose between providers, promoting further competition in mobile communications.

With a mobile phone penetration rate of 181% and a smartphone penetration rate of 73.8% it is anticipated that Du and Etisalat will focus their competitive pricing models and additional services more on data consumption than traditional voice and SMS.





# Europe

## Communications

### **Possible bottlenecks in internet connectivity**

On 11 November 2013, Joaquín Almunia, the Vice President of the European Commission responsible for Competition Policy, delivered a lecture at the London School of Economics at which he discussed competition in the digital economy.

His lecture drew attention to the possibility of “unnecessary bottlenecks” in internet connectivity. In particular, he stated his concern that access providers (who sit between end users and content providers) might degrade the quality or limit the speed of third party content, for example to favour their own content.

The competition services of the European Commission are assessing whether certain access providers may be abusing their dominant position by creating connectivity bottlenecks in this way. Almunia warned that such practices would undermine the objectives of the EU’s Digital Agenda.

For more information, please go to:

[http://europa.eu/rapid/press-release\\_SPEECH-13-905\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-13-905_en.htm)

### **Fragmented national telecommunications markets hinder European growth**

Joaquín Almunia’s speech at the London School of Economics discussed the European digital and telecommunications market.

Almunia commented that “Europe does not have an integrated single digital or telecoms market” and stated that this fragmentation is a barrier for national companies in Europe to achieve wider scale and the associated benefits. He drew attention to particular barriers to a single European digital and telecommunications market: (i) that a small company

providing services in one Member State would need to check compliance with national laws and face additional administrative burdens before being able to establish a European footprint; and (ii) that a company seeking to protect an intention across the EU must translate and validate any patents country by country.

However, the speech also highlighted measures that are being taken to ensure a harmonised European digital and telecommunications market. In particular, Almunia commented on the ‘Connected Continent’ legislative package (discussed in the October 2013 edition of Transmit); the patent reform package aimed at creating a EU Unified Patent Office; and the European Commission’s ‘License for Europe’ initiative, which aims to “bring copyright and licensing up to date for today’s digital world”.

For more information, please go to:

[http://europa.eu/rapid/press-release\\_SPEECH-13-905\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-13-905_en.htm)

## Media

### **Developing a policy on the future use of the UHF spectrum band**

On 13 January 2014, the European Commission announced that it has established a High Level Group to help develop a long-term strategic and regulatory policy on the future use of the UHF spectrum band (470-790 MHz).

In particular, the High Level Group has been tasked with considering how Europe will access and use audiovisual content and data in the medium to long term. It will also respond to four challenges:



1. What will next generation (terrestrial) provision/ reception of audiovisual content (including linear TV) look like
2. How do we secure the public interest and consider benefits while facilitating market transformation
3. What are the strategic elements of spectrum use in the UHF band in light of the first challenge? what would the regulatory role of the EU be in coordinating developments; and
4. What are the financial implications for a next-generation terrestrial platform for broadcasting and internet use?

A final report will be delivered by the High Level Group in July 2014.

For more information, please go to:

[http://europa.eu/rapid/press-release\\_IP-14-14\\_en.htm](http://europa.eu/rapid/press-release_IP-14-14_en.htm)

# United States

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## Satellite

### **A national plan for observing Earth**

In November 2013, the White House Office of Science & Technology Policy (OSTP) took a significant step to maximize the value of the data collected about the Earth and its environment: a call for public input to inform the development of a blueprint for future Federal investments. The U.S. Government is the largest provider of Earth observations, including data and measurements collected from networks of satellites, ocean buoys, and other systems. These observations provide information critical to the protection of human life and property; to economic growth; to national and homeland security; and to scientific research. OSTP will use this input to help develop a National Plan supporting a robust, efficient, and continuous capability to collect data about Earth.

For more information, please go to:

<http://www.whitehouse.gov/blog/2013/11/12/toward-national-plan-observing-our-earth>

### **New U.S. space transportation policy emphasises private spacecraft and heavy-lift launch**

The White House's new national space transportation policy reinforces previously stated priorities. The administration defined its strategy for preserving the United States' worldwide leadership role in spaceflight and exploration. The policy calls on federal agencies to continue supporting the development of private American spaceships to carry astronauts to and from low-Earth orbit, and directs NASA to continue work on a heavy-lift rocket to send individuals further into space.

For more information, please go to:

<http://www.space.com/20603-nasa-space-exploration-budget-2014-photos.html>

### **Launch Indemnification Extension**

The U.S. Congress extended the government's risk-sharing for U.S. commercial launches until 31 December 2016. The three year extension was a welcome relief from the past practice of extending the indemnification provisions by only one year at a time.

For more information, please go to:

<http://www.commercialspaceflight.org/2014/01/commercial-spaceflight-federation-applauds-passage-bill-providing-funding-commercial-programs-renewal-government-risk-sharing/>

### **Senate Intelligence Committee recommends relaxing commercial satellite imagery limits**

In the report accompanying the 2014 Intelligence Authorization Act (S. 1681), the Senate Intelligence Committee (Committee) recommended relaxing restrictions on the resolution of satellite imagery sold by U.S. companies. "The Committee is concerned that foreign commercial imagery providers may soon be able to provide imagery at or better than the currently allowed commercial U.S. resolution limit of 0.5 meters. As foreign firms approach or surpass this level of resolution, current restrictions on U.S. commercial imagery data providers put the United States at a competitive disadvantage and may harm an industrial base that is important to national security."

For more information, please go to:

<http://www.spacenews.com/article/military-space/38177senate-intelligence-urges-looser-satellite-imagery-restrictions>



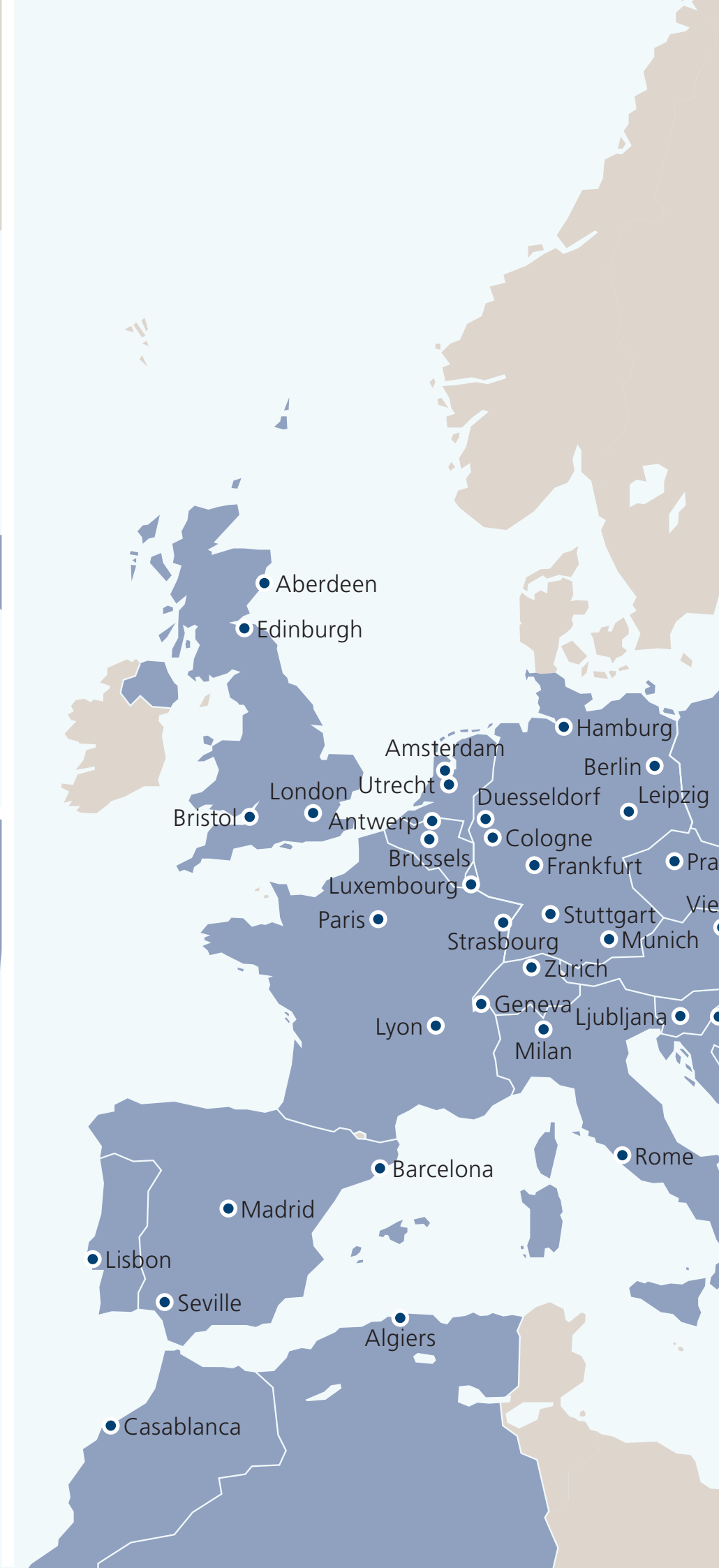




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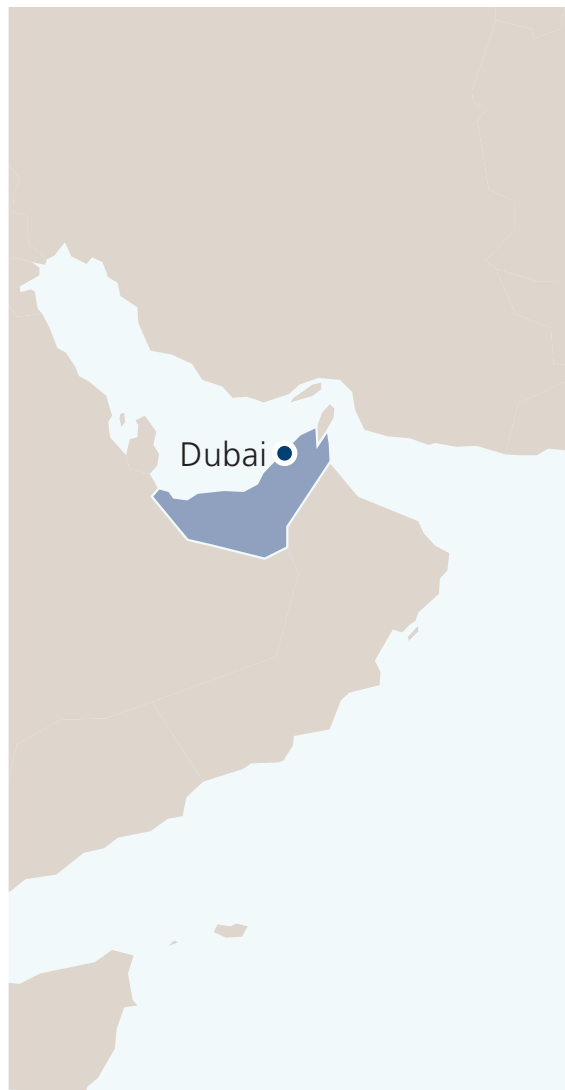
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