

ISOC EUROPEAN REGIONAL BUREAU- EU issues overview

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Internet governance

No support at CETP for ETNO's ITR proposals

- **CEPT**, the conference of European telecoms regulators, has produced a summary report of its meeting of 10-12 September on its preparation for the ITU conference on the **International Telecoms Regulations (ITRs)**.
- The meeting discussed **ETNO's proposals** on the revision of the ITRs: according to the report, 'a number of Member States indicated that the proposal does not meet CEPT criteria 1, as it is inconsistent with high-level principles, and criteria 4, as it challenges the sovereign rights of Member States to regulate its markets... The DG meeting did not endorse the proposal. A majority of delegations in the meeting opposed or expressed reservations on the proposal... Other Observer Organisations (incl. ISOC of course) expressed opposition to ETNO's proposal. GSMA does not support the ETNO proposal.'
- Nonetheless, a final decision was deferred until the next meeting on 15-18 October.

EDRI strongly opposes ETNO's proposals

- **European Digital Rights (EDRI)** has published a [statement](#) which is highly critical of **ETNO's** proposals. EDRI believes that these would 'squeeze every ounce of innovation and competition out of global Internet networks'.
- The NGO argues that the 'Sending party pays' principle (SPP) endorsed by ETNO 'has always been the principle in the mobile world, and the result of this principle is tens of billions of Euro wasted by citizens on untransparent, unjustified and, frequently, unjustifiable charges'. Only regulatory intervention by the EU has curbed the worst examples of this, it says.
- Regarding **the role of ISPs**, EDRI says that 'hiding behind some "new" proposals, are just the old failed policies of the former monopoly operators, who perhaps feel desperate to find a business model, in which they make money with no investments. And a model, which resembles as close as possible the old, analogue telephone systems model.'
- It also criticises ETNO's push for Quality of Service as something which cannot be guaranteed.
- EDRI concludes: 'The success of the Internet is because the "end to end" and "net neutrality" principles keep the Internet open and competitive. Experimenting with this core element of the Internet's global success in search of a business model for increasing the profits of a few companies seems reckless, to say the least.'

Data protection/Online trust

Commissioner Kroes calls for progress on Do Not Track standard

- In a speech in a Brussels event on 11 October, **Digital Agenda Commissioner Neelie Kroes** [expressed her disappointment](#) that online industry stakeholders had made insufficient progress in coming up with a **Do Not Track standard**.
- In June 2011, Kroes called on industry players to agree this standard so that internet users could easily opt not to be tracked for the purposes of online advertising and marketing. This would apply to cookies on all network devices and applications.
- Her view of work so far was as follows: "Several browser manufacturers have quickly incorporated the emerging DNT: and that's positive. But let me be frank: standardisation work is not going according to plan. In fact, I am increasingly concerned."

- Kroes set out three specific concerns:
 - Lack of information on default settings
 - Disregard for user choices (she named “a popular web server introducing a feature that amounted to overriding the DNT signal”, a reference to Internet Explorer Version 10)
 - The scope of what could be done without consent
- She announced that she would put the issue on the agenda of the next meeting of the **Article 29 Working Party**, which brings together national data protection supervisors.
- However, although Kroes called this “the last opportunity” for industry to develop and apply a standard, she did not make any explicit threats regarding legislative intervention.

Data protection reform update

- **MEP Jan Philipp Albrecht**, who is responsible for drafting the European Parliament’s report on the [proposal to revise the General Data Protection Regulation](#), has published two Working Documents to stimulate discussion on the issues among members of the Parliament’s Civil Liberties Committee (the lead Committee).
- In [one of these Working Documents](#), Albrecht supports the principle of ‘data protection by design and by default’ but calls for ‘much clearer guidance and stronger incentives to implement these principles’ for **service providers**. He believes that data protection officers need to play a stronger role in this regard.
- The **Article 29 Working Party** has published its own [opinion](#) on reform. In this it calls for a change of wording of Recital 24 so that online identifiers such as Internet Protocol addresses and cookies ‘should as a rule be considered personal data’.
- **Fundamental Rights Commissioner Viviane Reding** told a Parliament event on 9 October that she hopes to reach political agreement on the reform package by mid-2013. However, industry representatives speaking at the event found this to be too optimistic.
- The Parliament has still not scheduled a date for adoption of Albrecht’s report in Committee or Plenary.

Cyber security

European Parliament adopts report on cyber security and defence

- On 10 October the **European Parliament’s Foreign Affairs Committee** [adopted](#) a non-legislative report calling for the EU to adopt a comprehensive cyber security and defence strategy. The report will go to the Parliament’s Plenary session for adoption in November.
- It notes that many cyber attacks are of a politically motivated nature. While the final version of the report is not yet available, the [original draft version](#) called for private sector involvement:
 - ‘Member States, EU institutions and the private sector, in cooperation with ENISA, should take steps to increase the security and integrity of information systems, to prevent attacks and to minimise the impact of attacks’.
 - The private sector should ‘include cyber crisis management in their crisis management plans and risk analysis’, including ‘the introduction of awareness-raising training on essential cyber security and cyber hygiene for all members of their staff’.

ENISA publishes 2011 cyber incidents report

The **European Network and Information Service Agency (ENISA)** has published its [first annual cyber incidents report](#), which covers data from 20 countries in 2011:

- In total there were **51 incidents of outages** of telecommunications networks in eleven countries.
- Around 60% of these incidents affected mobile telephony or internet services.
- Network or software failures were responsible for 47% of the incidents.
- ‘The reported incidents show there is a strong dependency on power supply, of both mobile and fixed communication services.’

- ENISA expects that there will be ten times the number of incidents reported in 2012 due to the fact that some of the countries involved only set up reporting towards the end of 2011 and because there will be many more countries reporting next time. Its report for 2012 will be published in spring 2013.

Copyright enforcement

La Quadrature du Net still sees CETA as ACTA II

- **La Quadrature du Net** continues its campaign against inclusion of elements of the **Anti-Counterfeiting Trade Agreement (ACTA)** in the draft **Canada-EU trade agreement (CETA)**. It [claims](#) at the European Commissioner's chief negotiator admitted at a workshop on 10 October that 'ACTA-like criminal sanctions were still in the CETA draft. As usual, the Commission declines responsibility for such measures by rejecting it on the Member States' governments (and therefore the Council of the EU), and claims it advises them to withdraw these provisions.'
- The NGO has also [written to relevant French ministers](#) to urge them 'to get rid of CETA's repressive measures'.