

ISOC EUROPEAN REGIONAL BUREAU: EU issues overview

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Internet governance / Net neutrality / Open internet

Center for Democracy & Technology supports Internet exclusion from ITRs

- CDT has published an [analysis](#) of the economic impact of the proposed revision of the ITRs. In this it voices concerns that the proposed regulatory changes would harm the positive impact of Internet on economies and slow down innovation.
- CDT also underlines the fact that currently Internet is not ungoverned, 'to the contrary, it has developed and flourished within a policy framework based on competition, global voluntary standards developed by non-governmental bodies, and international traffic exchange based on peering agreements between private companies'.
- CDT criticised [ETNO's proposal](#) stating that it would 'impose a cumbersome, costly and regulated "sender pays" international telecommunication interconnection model on the Internet, replacing the current practice of largely settlement-free peering (how network operators exchange of data traffic across the global Internet),' and thus '**undermine the principle of Internet neutrality** supported by many stakeholders, including governments, and likely limit the scope for action of national regulatory authorities'.

European Commission defends open Internet and multistakeholders governance

- The European Commission reiterated its **commitment to open Internet and promotion of freedom of speech** in a [press release](#) announcing the policy lines Commission would take held at the upcoming **Internet Governance Forum** in Baku (5-9 November). The EU will be represented by a delegation led by Digital Agenda Commissioner Kroes.
- One of the main messages to be voiced in Baku is about EU's position towards Internet regulation. **The EU will state its conviction that there is no need for a new Internet regulating treaty**, stressing the importance of the current multi stakeholder approach.
- The Commission will also co-organise four conference sessions:
 - 'on the protection of the rule of law in the online environment, to discuss different issues related to the responsibility and role of Internet service providers in preserving freedom of speech'
 - on the evaluation of the Internet Freedom Initiatives, for the promotion of the No-Disconnect strategy
 - on media pluralism and freedom of expression in the Internet age
 - 'on how to make Internet a better place for children, to discuss the responsibility of different actors in the area of child protection on the Internet'

ETNO defends own approach to net neutrality

- ETNO has submitted a [response](#) to the [public consultation](#) by the **Body of European Regulators for Electronic Communications (BEREC)** on its [draft 2013 Work Programme](#).
- While ETNO says that it supports the principle of net neutrality, 'the heavy focus of BEREC on net neutrality issues in its 2013 work programme is unwarranted and risk inconsistent guidance emerging at EU level'.
- ETNO prefers instead that more time is given for implementation of the 2009 legislative framework, and warns that a heavy-handed regulatory approach will undermine the development of new business models.
- BEREC's consultation runs until 16 November.

German MEP raises questions on EU's position towards ITRs revision

- **MEP Sabine Verheyen** (Germany, centre-right EPP group) has asked questions to the [Commission](#) and [Council](#) regarding the EU's position on the revision of the ITRs.
- Verheyen **voiced the concern of several Member States** which consider moving Internet under the regulatory authority of ITU as potentially harmful to Internet's openness and to the development of creative online content. She asked whether the Commission and Council agreed 'that the ITU is not the right place to regulate the Internet, as policies could be adopted that are harmful to the openness of the Internet and to the development of creative content online'.

A controversial Internet blacklist law took effect in Russia

- The aim of the Russian [Internet blacklist law](#) is to protect children from harmful content, but human rights groups fear it would strengthen censorship in the country, as the authorities are now able to blacklist and force offline websites without a trial.
- **ISPs and web hosting companies may be forced to block access** to material change inappropriate in line with the new law.
- The list of banned website will be managed by Roskomnadzor (Russia's Federal Service for Supervision in Telecommunications, Information Technology and Mass Communications), without its content being available to the general public.

Copyright infringement

European news websites call on governments to charge Google

- [European news organisations](#), in their attempt to address falling revenues, have called on governments of France, Germany and Italy, to implement **measures to charge Google** for indexing links towards their publications, thus charging for accessing their intellectual property.
- According to [New Europe](#), French President François Hollande supports the so-called '**Lex Google**' which would force the search engine to pay to cite French articles online. Hollande met with Eric Schmidt, Google Executive Chairman, on 29 October and asked him 'to solve the dispute with the French press over revenue sharing from content posted on its news service before the end of the year, or face new legislation'.
- Google stated that should such legislation be implemented, it will simply stop indexing European news websites.
- European publishers use the example of Brazil, where their counterparts abandoned Google indexing without any severe repercussions, to claim that this move will not disrupt the position of the news websites.
- The position of publishers is being criticised by other stakeholders: "When we're looking at the free flow of information online, how much relevance do national boundaries have?" stated Emma Llanso of the **Center for Democracy and Technology**.

BEUC writes to Competition Commissioner on Google

- EU consumer NGO **BEUC** has sent a [letter](#) addressed to **Competition Commissioner Almunia** regarding the European Commission's current investigation into **Google's alleged abuse of market power** over search results and advertising services.
- BEUC Director General Monica Goyens calls on the European Commission for **structural changes** to remedy Google's policy as labelling would 'not prevent the company from manipulating the search results and from discriminating against competing services'.
- Goyens also writes that 'the privacy policy of Google is directly linked to its dominance in online search, and should therefore be considered as an aggravating factor in your analysis'.

ACTA taken out of EU-Canadian FTA?

- [EDRi](#) reports that it has seen a document in which Cypriot Presidency of the EU Council calls for **deleting criminal sanctions section of the proposed EU-Canada Free Trade Agreement**.
- The move follows the concerns raised by the General Secretariat of the Council which asked Member States if it was sustainable to have ACTA-like criminal sanctions in CETA, given that ACTA was rejected by the European Parliament.

Comment: There is scope for confusion given that (a) the negotiations keep going on behind closed doors (b) the Commission has always denied that the draft agreement contains provisions from ACTA and (c) NGOs/civil society insist it does. There will certainly be more allegations and denials before the agreement is signed.

EDRi criticises Commission's openness to upload filtering

- What the European Commission considers as best practice in terms of **upload filtering**, [EDRi](#) criticises as blind copying from the US, as the technology has not been properly analysed.
- Even though the system of upload filtering (Microsoft's PhotoDNA) has been functional in the US for two years, there are no statistics to support its results and, moreover, it was never independently tested, especially with regards to its possible criminal abuse, according to EDRi.

Cloud computing

Commissioner Barnier answers MEP question on cloud computing

- **Internal Market Commissioner Michel Barnier** has given an [answer](#) to a [question](#) raised by MEP Marc Tarabella (Belgium, Social Democrats group) about copyright protection and cloud computing. This related to the recently published Commission [strategy](#) on cloud computing.
- Barnier says in response: 'Content provided by cloud-based service providers may be protected by copyrights or related rights under the EU copyright framework. Where this is the case, this requires specific licensing agreements to be concluded with any relevant copyright holder. Services such as iTunes or Ultraviolet demonstrate that under the current EU legal framework, flexible licensing agreements are being entered into between right holders and cloud-based service providers, in such a way so as to make available a variety of innovative services to consumers across the EU.'

General

European Commission launches stakeholder consultation

- The European Commission's Directorate-General for Communications Networks, Content and Technology (DG CONNECT) [has launched a Stakeholder Survey](#). Its aim is to gather information about individuals, groups entities involved in, or having views on, shaping Digital Agenda for Europe.
- The survey runs until 2 December.