

ISOC EUROPEAN REGIONAL BUREAU- EU issues overview

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Open Internet

EDRi calls for website blocking to respect EU Charter of Fundamental Rights

- On 2 November, EDRi sent a [letter](#) to **Cecilia Malmström, Commissioner for Home Affairs** regarding **website blocking** and conformity with **the Charter of Fundamental Rights of the EU**.
- The letter underlines that in the fight against illegal child abuse websites, steps need to be taken in line with the Charter. It states: 'While we obviously support the fight against these crimes, the European Union's legal system is clear that criminal activity must be addressed in a framework that respects the rule of law and fundamental rights. This principle is reflected clearly in **Article 52** of the Charter of Fundamental Rights of the European Union.'
- EDRi invites the European Commission to take actions which would bring the current Member States voluntary approaches towards blocking in line with the Charter and thus promote transparent and proportionate measures.

ISPs required to block gambling websites

- The Commission recently adopted a **Communication 'Towards a comprehensive European framework for online gambling'**, which follows an earlier Green Paper and stakeholder consultation on this issue.
- The accompanying [Working Paper](#) includes references to **ISPs being compelled by national regulators to:**
 - block access to unauthorised gambling websites (pp.60-61)
 - install parental control software to prevent gambling by minors (pp.74-75)
- Among other actions, the Commission proposes to facilitate greater cooperation between national regulators and to develop a **Recommendation to the Member States in 2013 on common minimum protection of consumers**, which will include age verification
- Related to this, EDRi [reports](#) that **the Irish government** has proposed a bill which would allow courts wide power to order ISPs to block gambling websites. A representative from Digital Rights Ireland comments: "This seems to be drafted with a view to ordering that sites should be delisted from search engines but could, potentially, be used against any internet intermediary and could be used to, for example, block access to proxy sites and other tools which might be used to circumvent the blocking."

EDRi denounces filtering of The Pirate Bay

- EDRi [reports](#) that in **Finland**, the Supreme Court has declined to hear an appeal by ISP **Elisa** against the blocking of **The Pirate Bay** in the country. Elisa must block the website under a court order or else face fines of €100,000 per day. The Pirate Bay is also blocked in **the UK, the Netherlands and Italy**.
- Elisa's Business Director has called for more effective measures to stop piracy, namely "content to be distributed on the web at a reasonable price and at the same time as other distribution channels".
- According to EDRi: 'The success of such blocking measures is far from being proven as many ISPs claim that Internet users continue to access banned websites on alternative services or different routes.'

Copyright infringement

Commissioner Barnier calls for copyright to strengthen digital single market

- In a [speech](#) given at a Brussels event on 7 November, **Internal Market Commissioner Michel Barnier** called for a **copyright framework to be updated** so as to be in line with Commission's intention to achieve a **digital single market**.
- Recalling the importance of copyright provisions, Barnier called for copyright laws to be adapted to allow for the digital single market to grow.
- To achieve this, he wants a rational debate to take place, so that the **copyright** does not constitute an obstacle to internal market but would become **a tool to support creation and innovation**, enhancing the quality of production and fostering investment.
- The copyright for the digital single market should be built to allow the access of all Europeans to their heritage, to make more content available to more citizens and in a cross-border way, and to provide incentives for creation and investment.
- He also said that the copyright framework should be strengthened by **meaningful enforcement**.

Ancillary copyright bill to be discussed in Bundestag

- The *Financial Times* has reported that at the end of November, German Bundestag will debate about the so-called **ancillary copyright bill** (Leistungsschutzrecht für Presseverlage). The bill would allow publishers to prevent search engines from linking to their web pages, should the engines refuse to pay royalties.
- The initiative is supported by the German songwriter's rights society (GEMA) which is well known for its long fight over the royalties Google should pay the songwriters while their videos are streamed on YouTube.
- Google commented: 'In pushing the bill, Germany is burnishing its reputation as a staunch defender of intellectual property rights on the internet and a challenge to the web's "free content" ethos.'
- In August, **the German Culture Minister Bernd Neumann (CDU)** [said](#) that the law would be "an important signal for the protection of intellectual property on the internet". This view was opposed by national IT association **Bitkom**.

Data protection

MEPs want swift progress on Data Protection Regulation

- At their meeting on 6 November, MEPs in the European Parliament's **Committee on Civil Liberties, Justice and Home Affairs (LIBE)** expressed their frustration with lack of progress in the Council on the [Commission's proposal](#) for a **General Data Protection Regulation**. They called on the Commission to apply pressure on the Council's Cypriot Presidency to put more impetus behind this.
- Jan Albrecht MEP (Greens/EFA, Germany), who is the Parliament's Rapporteur for the proposal, has set an ambitious timetable of presenting his **draft report** to LIBE **before the Christmas break**. This would allow the Irish Council Presidency (January-June 2013) to reach an agreement with LIBE.
- The data protection package will be discussed by ministers at the meeting of the Justice and Home Affairs Council on 6-7 December.

Internet governance

- **ETNO** and **ICANN** representatives discussed ways to increase the cooperation between their two entities. Fadi Chehadé, CEO of ICANN stated that: "ETNO members need a stronger voice in the future of the Internet and ICANN is keen to provide a forum for this to happen. I look forward to working with ETNO more closely in the future."

- The [European Commission](#) underlined its commitment to **multi-stakeholder governance** and its promotion and called for rapid resolution of several issues which include: 'ongoing lack of a UN General Secretary Special Advisor, restrictions on distribution of materials by registered IGF participants, and under-representation of civil society organisations'.
- [ZDNet](#) has reported that following the speech at the IGF by Commissioner Kroes about the Azeri government surveillance of activists, computers of two members of the European Commission delegation were hacked

Cyber security

Kroes ready to present Cyber Security Strategy

- The European Commission is working on a **Cyber Security Strategy**: this will be a joint initiative by Digital Agenda Commissioner Neelie Kroes and High Representative for Foreign Affairs Catherine Ashton and is due to be published before Christmas.
- During a recent [speech](#) in Chicago, **Kroes** revealed that this proposal will aim to improve competitiveness in the ICT industry and promote user demands for enhanced security.
- Kroes underlined the **shared responsibility of public and private actors in promoting cyber security**: governments should provide the right incentives for companies to reveal information on cyber security incidents.
- In order for the cyber security measures to be effective, the Commissioner shared her intention to present a **legislative proposal** in the strategy which would set up a high level network and information security across the EU. The following sectors should be included: '**enablers of key Internet services**, banking, energy, transport, health and public administration'.

EU-US cyber security cooperation

- The Delegation of the EU to the US has published a [report](#) on the **current state** of cyber security in the EU. This points out the main ongoing initiatives, including the reform of the data protection framework and the establishment of the **European Cyber Crime Centre, which will become operational in January 2013**.
- Among the success stories, the Delegation underlines the international collaboration in the field on online children protection (Operation Icarus and Operation Atlantic, in collaboration with the FBI), an operation to counter credit and debit card frauds, alerts on risks of geosocial networking and a counter-hacking operation. The report also underlines the importance of **Project 2020**, lead by Europol, which brings together national law enforcement agencies to cooperate on combating cyber crime with the International Cyber Security Protection Alliance.

Bandwidth management

Commission expands 4G radio spectrum

- The Commission has [announced](#) that it has adopted an [Implementing Decision](#) which adds **120 MHz** to the **4G radio spectrum**.
- The Decision sets out the harmonised technical conditions to allow different technologies to coexist effectively, and addresses:
 - General parameters for the frequency arrangement within **the paired terrestrial 2 GHz band**
 - Technical conditions for **FDD base stations**
- It obliges Member States to implement this by 30 June 2014, although they may request a transition period for spectrum sharing arrangements until 24 May 2016.
- The Commission adds in its Memo that it is 'considering a follow-up measure on **the unpaired terrestrial 2 GHz spectrum** (1900-1920 MHz and 2010-2025 MHz) which is currently allocated to use by UMTS networks but remains unused throughout the EU.