

ISOC EUROPEAN REGIONAL BUREAU- EU issues overview

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Cybersecurity

The European Union unveils its Cybersecurity Strategy

- On 7 February, the European Commission [unveiled](#) its long awaited **Cybersecurity Strategy**.
- The [Strategy](#) stresses the importance of a multistakeholder model of Internet governance and calls for **an improved private-public cooperation** to foster cybersecurity. The [European Network and Information Security Agency](#) (ENISA) and the [European Cyber Crime Centre](#) (EC3) are to play a central role in coordinating the efforts to improve cybersecurity across EU Member States.
- **Industry** is to play a crucial role in strengthening the cybersecurity resilience. In 2013, the EU plans to launch several projects which may interest **ISPs**, such as a **pilot project on fighting botnets and malware** 'to provide a framework for coordination and cooperation between EU Member States, private sector organisations such as Internet Service Providers, and international partners'.
- Moreover, **industry is to 'take leadership** in investing in a high level of cybersecurity, developing best practices and information sharing at sector level and with public authorities, in particular through public-private partnerships like [EP3R](#) (European Public-Private Partnership for resilience – EP3R) and [Trust in Digital Life](#)'.
- Also, industry is called to **promote 'cybersecurity awareness** at all levels, both in business practices and in the interface with customers.' Service providers are also called on to **'stipulate the development and adoption of industry-led security standards, technical norms and security-by-design principles'**.

EU Directive to ensure high level of network and information security

- Alongside the Strategy, the Commission published a [proposal for a Directive on network and information security](#). The provisions do not specifically mention Internet Service Providers although they may fall within the definitions of **"market operator"** or **"Trust service provider"**. While ISPs are not mentioned in an Annex of market operators, this list is non-exhaustive.
- Market operators should take appropriate technical and organisational measures to 'guarantee a level of security appropriate to the risk presented. In particular, measures shall be taken to prevent and **minimise the impact of security incidents** affecting their network and information system on the services they provide and thus ensure the continuity of the services underpinned by those networks and information systems.'
- As for the obligation to report security breaches, the Commission [recalls](#) that **ISPs or network users** are already reporting incidents under the **risk management and incident reporting obligations** under the [Telecom Framework Directive](#).

Data protection

Tension over perceived US pressure on data protection proposal

- As the discussions on the EU data protection framework overhaul continue, there are tensions between EU lawmakers and US tech companies due to a growing **perception of US pressure**.
- Rapporteur on the Data Protection Regulation proposal **Jan Philipp Albrecht MEP** (Germany, Greens) has denounced what he calls a **'massive campaign'** supported by the American Chamber of Commerce in Brussels, and the activity of lobbyists who are trying to water down the provisions of the proposal.

- Similarly, Jacob Kohnstamm, head of the **Article 29 Working Party** representing EU privacy and data protection regulators, has told the *Financial Times* that the 'European lawmakers were "fed up" with US tech companies trying to put their corporate interests ahead of laws that protect what Europe sees as fundamental rights'.
- Commenting on those tensions, John Rodgers, economic officer in the US Foreign Service stated that, should several provisions comprised in the Regulation proposal be maintained, e.g. **the right to be forgotten**, a **transatlantic trade war** could start.
- Several stakeholders have reacted to the perceived US pressure: the [European Privacy Campaign](#) aims at creating a platform to 'counterweight to the massive lobbying by the US government, trade associations and big Internet business on the data protection reform,' according to [EDRI](#) that is, together with *La Quadrature du Net*, part of the group. Another recent initiative was a [letter](#) by a coalition of privacy groups addressed to leading US politicians seeking assurances that US policymakers in Europe support privacy.
- On the other side, the **ICDP** group (Industry Coalition for Data Protection), comprising 15 associations, has responded in the *Financial Times* that is useless to make this an EU vs US debate, and more important to focus on the impact on European businesses.
- In the **European Parliament**, industry has been briefed by the centre-right EPP group that it needs 'to bridge the vote gap' in the relevant Committees; as such, focus is on lobbying centre-left S&D and liberal ALDE group MEPs. ICDP is holding a closed-door meeting with Parliament Vice-President Alexander Alvaro (ALDE Shadow Rapporteur, Germany) on 20 February. This is ahead of an ALDE expert group meeting on 22 February, where Alvaro will discuss his amendments.
- The lead Parliament Committee, Civil Liberties (LIBE), has set 27 February as the deadline for submitting amendments to its draft report on the proposed Regulation. LIBE expects its vote to take place in April.

Practical enforcement of the right to be forgotten

- **Justice Commissioner Viviane Reding** has [answered](#) a [question](#) submitted by French MEP Marielle de Sarnez (ALDE) on **practical enforcement of the right to be forgotten** and on authorities that would be responsible for ensuring an **effective deletion of data** in the context of current digital environment of cloud computing data.
- In her answer, Reding underlines that the principle underpinning the right to be forgotten exists already in the EU data protection framework from 1995; once personal data is no longer necessary to the purposes for which it was collected, it must be deleted.
- Under the Commission's proposed Regulation, the right to be forgotten would impose on **data processors the obligation to delete** the requested data and **abstain** from its further dissemination.
- With regards to the complexity of the digital environment, the proposal specifies 'that controllers are not required to erase all public data themselves, but are required to take all reasonable steps including technical measures to **inform third parties** which are processing the data, that a data subject requires them to erase any links to, or copy or replication of personal data', according to Reding.

Open Internet

The European Commission reiterates its commitment to child safety online

- On the occasion of Safer Internet Day 2013 (5 February) the European Commission [presented](#) the results of a joint project that brought together media, technology, telecoms and online companies to work on provisions to make the Internet safer children.
- The wide range of companies involved in the project **proposed several measures** and features to be included in various devices to implement standards that would increase child safety online. These include: tools to **report online abuse** or bullying (e.g. on Facebook), **parental control tools**, and **content ratings** for apps, online videos and films.

- **Industry representatives** also underlined their determination to take down any offensive material flagged and to filter out abusive material before it is posted.
- To support these kinds of private initiatives, the Commission will continue to endorse the development of features that strengthen online safety, such as **browser buttons for reports and links to helplines**, interoperability of **content classification** schemes and **age recognition services**.
- According to Robert Madelin, Director General of the Commission's DG Connect, **private initiatives** are the right ways to develop features for greater child safety online as they would be more efficient than legislation that could create censorship.
- The French *Commission Nationale de l'Informatique et des Libertés* (CNIL) has published a [parental guide](#) to promote a responsible use of Internet.
- While searching for measures to promote child safety online, [debates](#) during an event organised by the European Internet Foundation (EIF) on 30 January underlined that **real life scenarios** need to be taken into account.

European Commission declines to intervene on French data mining tax proposal

- The European Commission has decided to stay out of the controversy surrounding the recent proposal put forward by a [report](#) for the French Ministry for Industrial Recovery that **data mining** should be taxed.
- A source at the Commission's **Directorate-General for Taxation** (DG TAXUD) has said that there are 'no developments' from its side on this issue, while an official at **DG Internal Market and Services** has said that this matter is for DG TAXUD to decide.

Copyright infringement

Google: France and Germany take different approaches to compensation for press links

- In France, **President Hollande** signed an [agreement](#) with **Google** on 1 February under which the search engine will pay €60 million to the French press to facilitate its commercial transition to the digital environment. This ends the long-running dispute in the country over remuneration for Google's use of links to French press websites as part of its business model.
- By contrast, the Legal Affairs Committee of the **German Bundestag** held an expert hearing on 30 January on the government's [proposed amendment to the German copyright law](#) which would grant protection to Internet press links referenced by **search engines**. The proposal, published in November, would allow publishers to prevent search engines from linking to their web pages should the latter refuse to pay royalties.
- At the hearing, many experts [cast doubt](#) on the outcome such a proposal, arguing that it could prevent press groups from developing new online business models; undermine the standing of freelance journalists; and restrict freedom of information.
- Even if the proposal is adopted in the Bundestag, it is not clear if the second legislative chamber, the Bundesrat, will approve it.

WCIT/Internet governance

German ministry maintains opposition to ITR revision

- The German **Federal Ministry for Economy and Technology (BMWi)** held a [meeting](#) in Bonn on 6 February to update stakeholders on the revision of the **International Telecom Regulations (ITR)**.
- BMWi recalled that the German government and other Western countries declined to sign the new telecoms treaty as the provisions on security and spam carried the risk of creating a legal framework for government control of Internet content. This approach won the broad support of the attendees at the Bonn meeting.

- In the Bundestag, an **Enquiry into the Internet and Digital Society** held its [final meeting](#) on 29 January. Members of its working group on **International and Internet Governance** reported that they recommend:
 - The establishment of an Internet Governance Forum in Germany, whose meetings would be (part-) financed by the government
 - A central role for coordination of Internet policy within the federal government to be played by a new Bundestag Committee on the Internet and Digital Society