

ISOC EUROPEAN REGIONAL BUREAU-EU issues overview

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Data protection

Major Telecoms Operators call for level playing field

- EU Justice Commissioner Reding and ETNO's Chairman Luigi Gambardella [jointly called](#) on the European Parliament and the Council of the European Union 'to ensure that provisions that facilitate **a level playing field** between all actors of the ICT industry remain **a key building block of the EU Data Protection Regulation**'.
- This approach should guarantee that the same level of regulation is imposed on EU and non-EU companies operating on the EU market, resulting in the same level of personal data protection and thus, allowing them to compete in a fair way, the European Commission said.
- The same level playing field approach needs to be applied inside the EU in order to avoid market fragmentation and to overcome inconsistencies in data handling, according to the joint press release.

US tech firms lobby to water down data protection provisions

- Several groups have published information highlighting that texts written by US tech companies **have been directly incorporated into MEPs proposed amendments** to the Parliament's report on the EU data protection Regulation. With regards to this polemic, Max Schrems, co-founder of [Europe v Facebook stated](#) that "in many cases, parliamentarians copied amendments word-by-word from papers by Amazon, eBay, or the financial industry". [La Quadrature du Net](#) has also denounced the pressure which lobbies have put on EU lawmakers in this dossier.
- However, it was recently revealed that the Rapporteur on Data protection Regulation Jan Albrecht had copy-pasted over 55 amendments from the European Digital Rights initiative proposal.
- At a recent private press briefing on the opening of the EU-US bilateral trade talks, data protection was **not** seen as an issue of contention, despite open political wrangling between the European Commission and the US State Department.

Copyright

EU launches structured stakeholders dialogue "Licences for Europe"

- "Licences for Europe", part of the EU [Communication on content in the Digital Single Market](#), is a project led by Commissioners Barnier (Internal Market and Services), Kroes (Digital Agenda) and Vassiliou (Education, Culture) whose main aim is to find new ways of developing rapid online content releases using industry-led solutions.
- The dialogue covers **four different categories**: cross-border access and the portability of services; user-generated content and licensing of protected material for small users; audiovisual industry and cultural heritage institutions, and text and data mining for scientific research.
- With regards to cross-border access and service portability, the dialogue is to identify the main categories of restrictions **service providers** face and to list industry initiatives delivering practical solutions for the promotion of multi-territory access.
- The Internet Society EU Bureau and Public Policy staff are participating to the conversation.

Dutch government to develop position on filtering by ISPs

- A [proposal for a Parliamentary motion](#) drafted by two Dutch MPs calls on the government to ensure that **ISPs are not given a role of policing the Internet** i.e. by being obliged to block certain content. In a [debate](#) on 11 December, **State Secretary for Security and Justice Fred Teeven** asked the Dutch Parliament to refrain voting until the government develops a position-which was accepted.
- A related [motion](#) drafted by the same MPs and adopted by the Parliament at the same time calls on the government to abandon its proposal to criminalise **downloading of copyrighted material**. In a [letter](#) sent to the Parliament on 4 February, Teeven responded that the government will make these changes, and will work instead on a new proposal to incorporate downloading within the scope of copyright levies.

Copyright: Challenges of the Digital Era

- European Digital Rights (EDRi) has released a [booklet](#) focusing on the **challenges of copyright in the digital environment**.
- The booklet gives examples of **copyright enforcements involving ISPs** and names reasons that have led to the current gap between citizens and copyright laws.
- In December 2012, the European Commission [acknowledged](#) the necessity of having a copyright that “fits for purpose” in the digital economy.

Cloud computing

ENISA publishes report on cloud computing

- The European Network and Information Security Agency (ENISA) has published a [report on cloud computing](#) from the perspective of Critical Information Infrastructure Protection (CIIP). The report provides a number of scenarios and threats based on a survey of public sources. Considering that in the near future, the **majority of organisations** is to rely on cloud computing services, protection of cloud computing services is underlined as crucial.
- The main areas that need to be secured concern the exposure to cyber-attacks which could result in very large data breaches (the most critical being IaaS and PaaS services which deliver services to other IT vendors who service in turn millions of users and organisations) and potential administrative and legal disputes resulting from the fragmentation of laws regulating cloud computing services.
- The main recommendations for **effective security governance** of cloud computing service include thorough risk assessment leading to appropriate security measures followed by due incident reporting and analysis.

Privacy

Majority of Internet users would use DNT if available

- According to the latest Consumer Insights Survey by research and analyst company [Ovum](#), **68% of Internet users would use a ‘do-not-track’ (DNT)** tool to restrict usage of their personal data, should such a tool be easily available.
- The survey conducted in 11 unspecified countries also revealed that an overwhelming majority of Internet users does not believe Internet companies regarding their stated intentions on personal data processing. Ovum believes that Internet companies should introduce new privacy tools and messaging campaigns designed to convince consumers that they can be trusted. Improving the transparency of data collection and use will help to build trust, a commodity that will increasingly become a sustainable competitive advantage » Ovum stated.
- Most importantly, data controllers need a better feel for the approaching disruption to their supply lines, and must invest in tools that help them understand the profile of today’s negatively-minded users – tomorrow’s invisible consumers, Ovum concluded.