

## **ISOC EUROPEAN REGIONAL BUREAU-EU issues overview**

### **16-22 February 2013**

#### ***Copyright infringement***

##### **Commission preparing proposal on removal of illegal online content**

- The Commission is working on a **proposal for a Directive on notice and take-down procedures** for content posted illegally online. This would allow rightholders to place the onus on **ISPs** to block or remove content which they host, provided that it is there illegally.
- **DG MARKT** of the Commission has long been committed to an initiative in this area: it published a [roadmap](#) in mid-2012 in which it identified one problem as 'lack of transparency on **hosting service providers**' individual N&A procedures and practices', and subsequently held a public consultation. However, the nature of an initiative was not settled at the time.
- The Commission is expected to publish its proposal in May.

#### ***Data protection***

##### **EU calls Google to adapt its privacy policy**

- On 18 February, French data protection supervisor **CNIL** [announced](#) that it will coordinate a **joint action by 29 European supervisors against Google** for failing to comply with European data protection standards.
- This action follows on from a [letter](#) sent to Google on 16 October by the members of the Article 29 working party (the European data protection supervisors' forum) and instigated by CNIL to indicate that they were not satisfied with the company's data protection policy, notably regarding insufficient information to users, privacy risks related to pooling of large amounts of data and retention periods.
- As Google has not responded within four months, CNIL says on behalf of European supervisors that they will set up a working party to decide how to sanction the company. Discussions will start at the plenary meeting of supervisors on 26 February.
- **Justice Commissioner Viviane Reding** has recalled in a [press interview](#) that the current legislative proposal for a Data Protection Regulation would allow a regulator to fine a company up to 2% of its annual turnover for serious data breaches.

#### ***Bandwidth management***

##### **Kroes wants plan for co-allocation in 700MHz band**

- In a [speech](#) to the **Radio Spectrum Policy Group (RSPG)** on 18 February, **Digital Agenda Commissioner Neelie Kroes** emphasised the need to free up more spectrum to accommodate the ongoing growth in Europe of mobile traffic, in particular through wireless broadband. She emphasised the EU's ambition under its [radio spectrum policy programme](#) to identify at least **1200MHz of harmonised spectrum for wireless broadband** by 2015.
- Regarding the aim of co-allocating mobile and broadcasting services within the **700 MHz band** by 2015, as stated by the 2012 World Radiocommunications Conference, Kroes named the following initiatives:
  1. "we have just approved a mandate to ask CEPT to develop the technical conditions for wireless broadband in this band"
  2. "I plan to set up a High-Level Group from industry, dealing with both political and technical aspects"

- The Commission has asked RSPG for an opinion on its upcoming [Action Plan on Wireless Communications for a Connected Europe](#), which is due next month and will address this issue. RSPG's [members](#) are mostly drawn from national ministries and regulators.

## Cybersecurity

### European Parliament committee approves new ENISA mandate

- On 20 February, the European Parliament's Industry, Research and Energy Committee (ITRE) [approved](#) the new mandate of the **European Network and Information Security Agency (ENISA)**.
- ENISA was originally set up in 2004 with a [mandate](#) to be a coordinating EU agency in the field of cybersecurity.
- The Commission's [legislative proposal](#), published in 2010 and endorsed by ITRE, calls for ENISA's mandate to be broadened so that the EU institutions can turn to it for help and so that it can become the focal point for combatting cybercrime in the EU through the participation of law enforcement and data protection authorities. The new mandate will give ENISA more independence and allow it to support capacity-building actions in the Member States. ITRE also voted to extend ENISA's mandate by five years.
- The Parliament's plenary should vote on the report in mid-April.

### Advanced Cyber Defence Center starts battle against botnets

- **eco**, the German association for the Internet economy, [hosted](#) on 13 February the kick-off meeting of the [Advanced Cyber Defence Center](#), a project of 28 partners from 14 countries which aims to combat **botnets**, i.e. networks of illegally installed devices within computers.
- The project aims to share information among the partners and offer support to outsiders to identify, mitigate and remove botnets from their networks. With financial support from the European Commission, the project will run for 30 months. Partners come from a mix of backgrounds and include Telecom Italia.
- There are also ongoing national projects to combat botnets, such as [Abuse IX](#) in The Netherlands, a partnership of **seven Dutch ISPs** which will provide a central information point about botnets. This should be operational in the second half of 2013.

### Europol and Spanish police break down cybercrime gang

- The European Policy Agency (Europol) recently [announced](#) that it has dismantled a **cybercrime gang** that extorted millions of euros by persuading users they are being fined by a law enforcement authority for abusive use of Internet.
- The cybercrime network used so-called **ransomware**, an online extortion malware that locked the user's computer displaying a message in a form of a fake police warning. To unlock the computer, users were asked to pay a €100 fine.
- Europol estimated that **around 3% of the users** who received this message paid the fake fine, and that the software targeted users who were likely to have actually made unlawful use of Internet.

## Open Internet

### Russian ISPs may be liable for online crimes

- According to a [press report](#), a forthcoming bill in the Russian parliament would oblige ISPs to disclose the identity of their users who are suspected of criminal behaviour online.
- If ISPs refused to make such a disclosure, they would then become responsible for the crimes in question.

- The MP behind the bill has said that it will be published this summer.

#### **Iceland may introduce radical Internet filters**

- Icelandic Interior Minister Ögmundur Jónasson [has proposed](#) to introduce **Internet filters blocking online pornographic content**.
- The proposal would block access to pornographic websites in Iceland, and make it impossible to use Icelandic payment cards on adult content websites. A working group has been established to look at how to enforce such rules.
- The Association of Digital Freedom in Iceland has criticised the proposal, claiming that such content blocking would require setting-up a general filter and therefore introduce a form of censorship.

#### **Cloud computing**

##### **Commission defends EU data protection rights in US-run cloud**

- In her answer to an MEP [question](#) regarding **access by the US authorities to data stored on European servers** if the cloud services are run by a US-based company, **Digital Agenda Commissioner Kroes** has [underlined](#) that the European Commission will defend EU data protection rights. She stressed that **the subject is part of ongoing dialogue with the USA**.
- Kroes also emphasised that the Commission's [Communication on Cloud computing](#) published last September addressed several aspects of international data transfers and aimed at reviewing standard contractual clauses for data transfer through cloud services to third countries.