

ISOC EUROPEAN REGIONAL BUREAU- EU issues overview
16 March – 23 March 2013

Data protection

Large number of amendments delays EP vote on data protection legislation

- The European Parliament's lead Committee on [the proposed Data Protection Regulation](#), Civil Liberties (LIBE), has delayed the vote on its report until **29 May**. This is due to more than **3,000 amendments** being submitted by its members.
- LIBE Rapporteur Jan Philipp Albrecht (Greens, Germany) will now concentrate on tabling some 100 compromise amendments. His task will not be easy: MEPs are split on the responsibilities to be placed on businesses, and the Commission stated in a LIBE debate on 20 March that it will not accept a reduced scope (e.g. exclusion of non-EU residents).
- On 19 March, the Parliament's Legal Affairs Committee (JURI) adopted its non-binding [opinion](#) on the proposed Regulation. It was the fourth and last secondary committee to adopt an opinion before the LIBE vote, and this was [welcomed](#) by the Commission.
- In Germany, IT association **BITKOM** and the Association for the Self-Regulation of the Information Society **SRIW** have [jointly called](#) for the new EU law to allow greater opportunities for self-regulation by business in this field.

CNIL publishes a study on privacy in 2020

- The French Data protection authority **CNIL** has published the first issue of its [Innovation & Prospective paper](#) dealing with **privacy issues in 2020**. The paper is divided into three parts, one on technological transformation, one on what this means for data privacy and another on how to deal with this. It reflects opinions of 42 experts from different fields and addresses phenomena such as the growth of smartphones and of automatic capture of personal data.
- Although the paper does not make any recommendations, the rationale is to allow CNIL to gather information and to understand technological evolution better, which may lead **new regulations** on data protection.

Net neutrality

Commission to present guidance on net neutrality by the summer

- **Digital Agenda Commissioner Kroes** has confirmed that the Commission will present its **net neutrality guidelines** by the summer. She said this in her [answer](#) to a series of [questions](#) raised by a group of Green MEPs on Commission's intentions with regards to net neutrality and the possibility of **allowing ISPs to offer content-limited Internet services**.
- The results of a **traffic management investigation** carried out last year by BEREC would serve as a basis for the **Commission's guidance** to National Regulatory Authorities (NRAs) that are to promote 'competition, innovation, legal certainty and consumer empowerment, including on transparency (actual Internet speeds, data caps, etc.), facilitating switching between providers and responsible use of traffic management tools'. The overall aim of the guidance is to promote **coherent approaches** across EU Member States, according to the Commissioner.
- Kroes also confirmed that the Commission is currently carrying out an **impact assessment** to identify the best options to meet the policy objectives.

Copyright infringement

Copyright infringement update

- In Germany, the second legislative chamber, the Bundesrat, has [ratified](#) the [proposed amendment to the German copyright law](#) to grant copyright protection to Internet press links referenced by **search engines** and **news aggregators**, who will now have to pay a royalty to press publishers to link their web pages. There is still some confusion over the meaning of the [exemption for 'text snippets' \('kleinste Textteile'\)](#), a concept which is not clearly defined.
- A new [study](#) by the European Commission's Joint Research Centre on the effects of illegal downloading and legal streaming on legal purchases of digital music has concluded that **Internet users do not view illegal downloading as a substitute for legal digital music**. This is based on an analysis of clickstreams of 16,000 Europeans to legal and illegal content websites. The study also estimates that a 10% increase in clicks on illegal downloading websites leads to a 0.2% increase in clicks on legal purchase websites.
- The soon-to-be-launched **negotiations for EU-US trade agreement** have attracted the attention of a group of European and US NGOs, which have [called](#) on the two sides **not to include any provisions on copyright**.

Cybersecurity

Expert group publishes cyber warfare legal study for NATO

- The **NATO Cooperative Cyber Defence Centre of Excellence** has published [The Tallinn Manual](#) (named after the Centre's location), written by an independent group of experts to determine the status of cyber warfare under international law.
- The manual says that if an attack against cyber infrastructure was carried out by a private entity such as an **ISP**, then the state where the ISP was based would be obliged to use 'all means at its disposal' to make it stop this activity (p.28).
- It also concludes that under international law, an occupying force would be entitled to demand access to the Internet from an **ISP** in order to facilitate effective administration (p.246).

General

Estonian President to become next Digital Agenda Commissioner?

Estonian President **Toomas Hendrik Ilves** appears to be positioning himself as **candidate to be the next Digital Agenda Commissioner**, as the term of the current Commission will end on 31 October 2014. The President is very active in the field of ICT and regularly gives speeches at events focused on digital/Internet issues, e.g. his [speech](#) on 17 March on cybersecurity at the Brussels Forum of the German Marshall Fund.