

ISOC EUROPEAN REGIONAL BUREAU - EU issues overview
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Net neutrality

NGOs call on Commission to protect net neutrality

- Digital rights NGO **EDRI** has joined forces with EU-level consumer NGO **BEUC** to [write](#) to the European Commission to take action to address 'European operators and ISPs, particularly in the mobile sector', who are 'using technical measures for their own commercial interests, tampering with citizens' ability to access the Internet'.
- Together they call for: 'a clear set of obligations on ISPs regarding the neutrality and Quality of Service of the Internet broadband services. Accessible, complete information on traffic management practices and justifications must be published and easily available to end-users.'
- Other actions supported by the two NGOs include
 - 'A general prohibition of all forms of discriminatory traffic management'
 - Review of deep packet inspection by national data protection authorities
 - Appropriate security measures to be taken by operators of Internet exchange points to guard against attacks on their infrastructure

Comment:

- *The EU Commission intends to present its draft guide on net neutrality before the summer break.*

Germany: Bundestag debates results of Internet enquiry

- On 18 April, the Bundestag (German parliament) debated the final reports of its **Enquiry Committee into the Internet and Digital Society**. The Committee was set up in 2010 and concluded its work earlier this year. Its [final reports](#) were officially submitted to the Bundestag on the day of the debate.
- These included a [report on net neutrality](#), submitted in February 2012. This concluded that any possible legislation on the principle of net neutrality would have to take account of future technological developments, growth in broadband demand, network security and the expectations of users. Specifically, it recommended that any legislation follow principles such as transparency, non-discrimination, promotion of competition, diversity of content and **exclusion of content control by network operators**.
- The Committee did not make a recommendation on whether there should be such legislation on net neutrality.
- It also concluded that the **removal of content** by companies without a constitutional basis would infringe the principle of net neutrality. However, any removal of illegal content based on a legal process (citing images of sexual abuse of children as an example) would not constitute an infringement.
- During the [Bundestag debate](#), deputies Lars Klingbeil (SPD) and Halina Wawzyniak (Die Linke) both called for a '**legislative anchoring**' of the principle of net neutrality.
- IT association **BITKOM** used the occasion of the debate to issue its own [press release](#) on the Committee's reports. On net neutrality, it welcomed the Committee's refusal to support content controls; it also stated its opposition to discrimination based on content or services.

Cybersecurity

ENISA accuses ISPs of failing to prevent cyberattacks

- ENISA, the EU's cybersecurity agency, has issued a [note](#) regarding last month's **coordinated cyberattack** which led to major Internet delays in the UK, Germany and other Western European countries. ENISA estimates that this was the biggest DDoS attack ever at over 300 Gb per second. The attack targeted NGO Spamhaus, then service provider CloudFlare, and then had a wider impact, including on the London Stock Exchange.
- ENISA notes that **ISPs have not applied long-standing recommendations** which could have prevented the attacks. It also notes that the size of Internet attacks is increasing, and these can exhaust the capacity of commercial exchanges.
- ENISA makes three specific recommendations:
 - 'Operators serving as upstream or transit providers to end-customer networks should implement BCP38.'
 - 'Operators of DNS servers should check whether their servers can be misused in DNS amplification attacks and should implement BCP140.'
 - 'Operators of Internet exchange points should consider that their infrastructure might be attacked directly and make sure that they have appropriate security measures in place.'

Parliament approves new mandate for ENISA

- On 16 April, the European Parliament [voted](#) to **renew the mandate of ENISA for another seven years** from September 2013. This confirms a political agreement reached between the EU institutions in January.
- The new mandate includes the setting up of an **EU Computer Emergency Response Team (EU CERT)** to fight cyberattacks at EU level and coordinate the work of national CERTs.

Copyright infringement

UK: Supreme Court exempts Internet browsing from copyright law

- The UK Supreme Court has [ruled](#) that **making temporary copies of content through web browsing does not constitute a breach of copyright**. The case concerned a dispute between the Newspaper Licensing Agency and a media monitoring company.
- The court found that the creation of a temporary page was not the same as downloading, as the temporary page would be overwritten.
- The ruling was made with reference to the UK law implementing **Directive 2001/29/EC on copyright and related rights in the information society**, which provides an exemption for certain 'temporary acts of reproduction'.
- The court has nonetheless referred the case to the Court of Justice of the EU, due to 'the appeal's transnational dimension and potential implications for Internet users across the EU'.