

ISOC EUROPEAN REGIONAL BUREAU - EU issues overview

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Net neutrality

Commissioner Kroes answers stakeholders concerns on net neutrality

- Neelie Kroes, **EU Commissioner for Digital Agenda**, has answered to a [letter](#) sent by BEUC and EDRI, in which both NGOs called for an EU action on net neutrality to establish **‘a clear set of obligations on ISPs regarding the neutrality and Quality of Service of the Internet broadband services.’**
- In her answer, Commissioner Kroes underlines that the **European Commission is ‘preparing substantial recommendations** which will address transparency and switching issues (...) specifically **the responsible use of traffic management practices’**.
- The Commissioner also underlined that traffic management is not to be used to limit consumers’ choice but to allow **‘every ISP to offer full, best effort Internet access products** to its customers’.

Comment: The Commission is due to publish its recommendations by the summer.

Data protection

Germany: Google’s autocomplete search could constitute personal right infringement

- A ruling of the **German Federal Court** ([Bundesgerichtshof](#)) has said that the words which Google’s **autocomplete search** associates with a searched term **must not be offensive or defamatory**.
- In the case brought by an unnamed German businessman who had discovered that his name is associated in a Google search with terms such as fraud, Germany’s [appellate court ruled](#) that **in certain situations Google’s autocomplete suggestions could constitute an infringement of personal rights**.
- Google is now **obliged to remove a defamatory autocomplete combination** when notified, becoming legally liable once it is aware of an infringing autocomplete.
- Google has stated its disappointment, underlining that the autocomplete suggestions are generated automatically by the frequency with which users look for such keywords.

Data protection update

- During an event in Brussels on 16 May on **‘Data-Driven Productivity and Growth: Unlocking New Drivers of Growth’**, European Commission official [Damien Levie](#), Head of the North America Unit at DG Trade, stated that **privacy and data protection** are important issues in the ongoing discussions ahead of the launch of the **EU-US Free Trade negotiations**. Furthermore, provisions to facilitate data flows are also being considered. Negotiations may start as early as the end of June.
- On 15 May, **Russia ratified the Council of Europe’s [Convention 108 on the protection of personal data](#)**, thus reinforcing its commitment to data security. The Convention is [the only legally binding international standard](#) in the field of data protection.
- **Facebook** has announced it has joined the [Global Network Initiative](#) that aims at protecting and advancing freedom of expression and privacy in ICT.

Cybersecurity

EU Commissioner: Data protection and cybersecurity promote open Internet

- In a recent [speech](#) delivered at the NATO Parliamentary Assembly, **EU Justice Commissioner** Viviane Reding stressed the **links between the proposed data protection overhaul and cybersecurity measures**, highlighting that they mutually reinforce each other.
- With regards to **cybersecurity**, she also emphasised that measures to promote online security are not goals in themselves, but are being implemented in order to ensure that **Internet remains free and open**.
- An EU-wide digital market, protected by the same data privacy rules and cybersecurity standards would greatly support the improvement of **consumers' trust in online services**, according to Reding.

Open Internet

Russia: Government maintains its efforts to streamline Internet regulation

- In addition to the recently implemented [Internet blacklist law](#) that aims at protecting children from **harmful content online**, the Russian government will promote a new **list of prohibited symbols**, whose use could result in blocking a website that published it.
- The recently launched **initiative** updates the existing law on 'curbing extremist activity'. The law already contains a list of prohibited symbols usually associated with banned organisations, but the new amendment will require an **evaluation procedure for a symbol that is not yet on the list**.
- Moreover, the lower house of the Russian parliament has created a new **Subcommittee on Internet and Digital Democracy** that is to look into the legislation regulating legal relations online on the territory of the Russian Federation.

Cybersecurity

DIGITALEUROPE warns against unnecessary burdens in security information exchange

- In a recently published [comment](#) on the [proposed Network and Information Security Directive](#), digital technology trade association DIGITALEUROPE :
 - warns against unnecessary burdens which the proposed **mandatory obligations for information exchange** would create;
 - underlines the necessity for the lawmakers to ensure that the new actions would not hamper the existing **voluntary exchanges**.
- DIGITALEUROPE stresses that market operators, in the sense of information society services, should remain excluded from the **proposed security requirements and incident reporting obligations**.
- Moreover, it argues that the **security incident notification system** should be reconsidered as public disclosure of incidents could harm both the reputation and security of the affected entity.
- Finally, it warns against the **use of delegated and implementing acts** as these could undermine the achievement of an EU-wide harmonisation.

Comment: Although, the provisions of the proposal do not specifically mention ISPs, they may fall within the proposed Directive's definitions of 'market operator' or 'Trust service provider'.