

ISOC EUROPEAN REGIONAL BUREAU - EU issues overview

20-26 July 2013

Open Internet

UK: ISPs to switch on by default filters to make Internet safer

- In a [speech](#) delivered on 22 July, UK Prime Minister David **Cameron** announced an agreement with the country's main **ISPs** (BT, TalkTalk, Virgin and Sky) to promote **child safety online** and **combat pornography** by applying **by default family-friendly filters**. The **switched-on-by-default filters** for all new subscribers will be implemented by the end of 2013. The ISPs will also automatically apply the same filters on any device connected to the home Internet account in question.
- Cameron underlined that the move will **not threaten the openness of the Internet** and highlighted that a **state's implication in the Internet** is necessary.
- **ISPA**, the [ISPs' association welcomed](#) government's initiative and underlined the work already done in terms of free and easy-to-use content filters, but warned against under- or over-blocking.

Net neutrality

France: Watchdog clears ISPs over alleged YouTube throttling

- In September 2012, a consumer association requested **Arcep** (French telecommunication authority) to investigate whether **Free**, the second biggest French ISP, had been throttling **YouTube** during peak hours.
- In its conclusions published on 19 July, the [watchdog underlined](#) that its inquiry did not reveal **any discriminatory practices** or traffic management techniques differentiating traffic based on the content or its origin.
- The investigation revealed that Free's interconnection and IP data traffic routing capacities are indeed congested during peak hour. It also underlined the factors influencing the quality of Internet access for users: technical characteristics and network management; and the deal between ISPs and content providers.

Germany: Industry association warns against general net neutrality law

- **BDI**, the main German business association, has issued a [statement](#) to caution the government against the swift adoption of a general law to guarantee net neutrality ahead of the federal elections in September.
- BDI believes a general ban on ISPs agreeing preferential access would not be desirable as this would create uncertainty
- Such debate would also allow a better synchronisation with the forthcoming European Commission net neutrality initiative, according to the association.

Cybersecurity

Council adopts rules on defence against cyber-attacks

- On 22 July, the Council of the EU [adopted](#) the [proposed Directive on attacks against information systems](#) that sets criminal penalties for perpetrators of cybercrimes.
- The Directive specifies prison terms for using **botnets**, i.e. infecting computers in order to establish remote control over them, and attacks on critical infrastructure. **Legal persons will become liable** for offences committed for their benefit.
- It also requires the EU Member States to respond within eight hours to urgent requests caused by cyberattacks.

Copyright infringement

Finland: Parliament to discuss law to dilute copyright infringement sanctions

- The Finnish Parliament is to examine a [draft copyright law proposed by citizens](#), as the campaigners for a reform of the country's copyright law have gathered the required 50,000 online signatures for their initiative.
- The so-called **Common Sense in Copyright Act** seeks to water down the strict punishments for infringements that have been in force since 2005. For instance, the act proposes to **reduce penalties for illegal downloading** from a crime to a misdemeanour, thus allowing users to make copies of digital data they own.
- Should the proposal pass parliamentary scrutiny, the commission in charge of the dossier could vote on it at the **beginning of next year**.

Russia: Copyright law reform places new responsibilities on ISPs

- [The reform of the Russian copyright law](#) (on film protection) will introduce a statutory definition of 'information intermediary' and new **liability for ISPs**.
- The law mandates ROSKOMNADZOR, the Federal service for telecoms supervision, to identify the **ISP that renders hosting services** for incriminated material and send a notice of infringement. One day after reception, the **ISP will be required to inform** the information owner to take down and/or limit access to the illegally displayed material. If the hosting provider or the owner of the information resource fails to act, the ISP will have to **limit access to the website** in question. The law also sets out liability exemptions for ISPs if certain conditions are met.
- In a position paper, the **Russian Association of Electronic Communications** criticised the then proposed law, highlighting that its provisions could lead to additional **financial and administrative burdens on ISPs**, and create an imbalance of legal interests of right holders and content distributors.
- The amended **law enters into force on 1 August**.

Data protection

Update on EU data protection overhaul

- During an informal of justice and home affairs ministers on 19 July, the **French and German ministers published a joint-statement** calling for the EU to **speed up** the adoption of the proposed **data protection Regulation**. While Austria, Italy, the Netherlands, Poland and Spain support the Franco-German statement, other member states are said to have underlined that the quality of the Regulation should not be subjected to the timing of its adoption.
- On 22 July, the **EU-US working group on data protection** that looks into the Prism scandal met behind closed doors for the first time. Amid the tensions caused by the allegations about US snooping, **MEP Hannes Swoboda** (Austria), leader of the Social Democrats in the European Parliament, [called for](#) the Parliament vote on the Transatlantic Trade and Investment Partnership (TTIP) to be preceded by a double agreement on reform of EU data protection and an **EU-US privacy agreement**, establishing legal procedures for data requests and ensuring maximum transparency.