

ISOC EU REGIONAL BUREAU - EU issues overview

14-20 September 2013

Data protection

Data protection conference highlights impact of PRISM scandal

- At the [4th Annual European Data Protection Conference](#) in Brussels, the **PRISM affair** and its impact on the [proposed Data Protection Regulation](#) dominated the discussions.
- In her [speech](#), **Justice Commissioner Viviane Reding** defended the Commission's proposal, pointing out that it would require US companies to comply with EU law when offering online services to EU consumers. She also predicted that high data protection standards would give European cloud providers a competitive advantage. Also, she underlined that data protection issues would not be covered in current talks for an EU-US trade agreement (TTIP).
- **Jacob Kohnstamm**, Chairman of the **Article 29 Working Party**, which brings together national data protection commissioners, said that fierce lobbying on the proposed Regulation shows how much is at stake. He saw the proposal as an important step forward, especially because it is a Regulation (directly applicable law) rather than a Directive (applicable through separate national laws) "The global and digital economy requires strong and consistent supervision (...) I believe the draft Regulation provides a major improvement in this respect" he added.
- **FTC Commissioner Julie Brill** recalled that neither the Safe Harbor nor the EU data protection directive was designed to address national security issues. She insisted that the Safe Harbor can adequately protect EU citizens' data in the commercial context. « So, from my consumer protection enforcer's perspective, the Safe Harbor provides more, not less, privacy protection. And, for that reason, I support its continuation » she concluded.
- **MEP Dimitrios Droutsas** (S&D group, Greece), the Shadow Rapporteur on the Regulation, said that PRISM developments have been shocking but there have been "positive" outcomes, as it was a "wake up call" to Member States. The scandal has pushed the debate forward and into the limelight, and he now expects the Regulation to be adopted by this Parliament (which ends its mandate next spring).
- **MEP Jan Philip Albrecht** (Greens, Germany), the Rapporteur, spoke in favour of creating international standards and a framework in TTIP. He called for the negotiation of privacy protection of European citizens that would be accepted in US law. He also confirmed that the **Committee vote** on his report would take place on **21 October**.
- However, **UK Information Commissioner Christopher Graham** [cautioned against](#) rushing the data protection reform to finish it in time for the European Parliament elections in May. He warned that the current text would impose fines on companies for all data breaches regardless of the level of seriousness.

Net neutrality

Commission proposal attracts further criticism

- **MEP Marc Tarabella** (S&D, Belgium) has criticised the net neutrality provisions of Commission's recent [proposed Telecoms Regulation](#). In a [written question](#) to the Commission, he refers to Article 20 as representing 'the death knell for net neutrality', as it would allow operators 'to conclude commercial agreements with large content providers such as Google and Apple', which he says would then lead to priority access.
- **Per Strömbäck**, editor of Internet affairs website [Netopia.eu](#) has [criticised](#) the proposals from a different perspective, arguing that 'the term 'neutrality' is treacherous in this context as it is easily confused with 'independent'... What by most people is considered

'freedom' online is to a large extent controlled by private corporations.' He advocates focusing instead on enforcement of online rights.

Cybersecurity

European Parliament cites costs to ISPs of cybersecurity breaches

- The European Parliament's Economic and Scientific Policy Department has published a [study](#) on '**Data and Security Breaches and Cyber-Security Strategies in the EU and its International Counterparts**'.
- The study includes a table showing **estimated ISP clean-up expenditures** in 2012 as a result of information security breaches (Globally – €31.2 million)
- The study also points to the [Advanced Cyber Defence Centre \(ACDC\)](#), 'an anti-botnet initiative whose genesis can be found in a project in Germany between **ECO.de (the association of German ISPs)** and various German government departments (e.g. the BSI) known as Bot-Frei (German Anti-Botnet Advisory Centre)'.

ENISA publishes mid-year review of cyber threats

- ENISA, the EU's Internet security agency, has published its [Threat Landscape mid-year 2013](#). This short report identifies and ranks 16 different types of threats, most of which it assesses increased during the first half of this year.
- The top-ranked threat is **Drive-by exploits**: 'There is a shift from Botnets to malicious URLs as the preferred means to distribute malware. An advantage of URLs as a distribution mechanism lies in the fact that URLs are not such an easy target for law enforcement takedowns...'

Open Internet

Germany: eco calls for EU to maintain funding for Safer Internet Centres

- **Eco** has used the occasion of World Children's Day (20 September) to [call for](#) the EU to keep in place its annual €12 million of annual funding for 30 **Safer Internet Centres** throughout the EU. Complaints to these centres lead to the taking down of illegal material and the start of criminal proceedings.
- However, the Commission's [proposal](#) for telecoms guidelines of the **Connecting Europe Facility** would place this funding in the lowest priority band from 2014, which would mean that it would be cut if there was a budgetary shortfall.
- The Commission has also proposed that the reporting of illegal material should go through a central EU body rather than existing national channels, which eco strongly opposes.

General

France: Government wants EU regulation of websites in country of use

- The French government will push for European rules to **regulate and tax websites in the country of use**, according to a [press article](#).
- The proposals will be discussed at the European Council (heads of government) meeting on 24-25 October. French Digital Economy Minister **Fleur Pellerin** will also host a meeting this week (w/c 23 September) with her counterparts from other major EU Member States and Digital Agenda Commissioner Neelie Kroes.