

ISOC European Regional Bureau Newsletter

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Net neutrality

EU: Net neutrality provision under pressure

- In a press release published on 15 November, the **European Data Protection Supervisor (EDPS)** Peter Hustinx **criticised the provision on net neutrality** in the proposal for harmonisation of electronic communications services. While welcoming the inclusion of the principle itself, the current wording has been judged as **devoid of substance**, considering the 'almost unlimited right of providers to manage Internet traffic'.
- According to Hustinx, the proposal promotes traffic management and monitoring measures that **limit Internet freedom** and are **contrary to the EU data protection framework** and the EU Charter of Fundamental Rights. The current proposal is said to harm the re-building of trust in electronic communications.
- The ESDP has urged the **Commission to provide more details** on how the traffic management tools could be used. Hustinx added that any interference with users' rights should be communicated, allowing them to **switch to ISPs applying less privacy-invasive traffic management** techniques.
- The net neutrality provision has also been **criticised in the Netherlands** where the parliament passed a motion calling on the government to defend the country's net neutrality legislation against the European proposal. According to the motion, the Commission's proposal would create a new online toll-way alongside the open Internet.

Copyright infringement

EU: Final plenary meeting of Licences for Europe

- On 13 November, a final plenary meeting of **Licences for Europe** took place in Brussels. The initiative aimed to deliver industry-led solutions to address **content circulation barriers** in the digital age by the end of 2013.
- This Digital Single market dialogue jointly led by the EU Commissioners for Digital Agenda, Internal Market and Education and Culture concludes with the following pledges, which would impact the availability and accessibility of cultural content online across the EU:
 - the audio-visual industry will introduce gradual cross-border portability of audio-visual services
 - record companies and authors' collecting societies will support multi-territory 'one-click micro-licences' for small scale use of music online
 - film producers, authors and film heritage institutions will agree on principles and procedures for the digitisation and dissemination of heritage films
- In parallel, the Commission is completing its review of the EU copyright framework that will also include a public consultation. The decision on the potential reform should be taken in 2014.

- At a recent event in the European Parliament, several **MEPs** underlined the necessity for the **copyright reform to become priority** in the months to come and criticised the European Commission for lack of action. The parliamentary elections of next year have been highlighted as an opportunity to start updating the current outdated rules, sources reported.

Data protection

Germany: Deutsche Telekom advocates for a *German Internet*

- Following the revelations about the US spying, German telecommunications **Deutsche Telekom** (DT) has announced its intention to **build a spy-proof German Internet**. The announcement has triggered numerous reactions with regards to the feasibility of such an initiative.
- The message that Deutsche Telekom and some politicians convey is that **German data** would actually **never leave Germany**. According to DT, if the sender and recipient are both in the country, data packets would be sent via German pathways.
- However, only 40% of German Internet traffic is conducted between domestic computers and a high number of foreign ISPs operate in Germany. Also, while software and online services are American, equipment directing Internet traffic often comes from China, making the prospects of a purely German Internet limited, stressed *Der Spiegel*.
- At the moment, **DT is in talks with other operators** that could be interested in building the necessary infrastructure enabling the set-up of the so-called '**Internetz**', a hybrid of 'Internet' and the German word for 'network'. Ultimately, the network could encompass the whole **Schengen zone**. To start adapting the infrastructure, DT hopes the German government will implement the necessary legal framework.

EU: Facebook, Google and Microsoft warn against disclosure of governments' data requests

- At this week's session of the European Parliament's LIBE Committee inquiry into the US data snooping, Facebook, Google and Microsoft warned **against a provision** in the proposed EU Data Protection Regulation that would oblige **companies to disclose government's request for personal data**.
- So-called **article 43a**, which would also require the companies to obtain prior clearance for the transfers, has been criticized for creating a conflict for tech companies; they would need to choose between breaching the EU rules and facing sanctions in other jurisdictions, particularly the US, internal sources reported.

Cloud computing

EU to become home of a safe cloud

- In a recent speech, **Commissioner Kroes** highlighted the potential economic benefits of a **European cloud** and explained the **main characteristics** of this initiative. The pooling of European capacities into the creation of a common cloud would ensure that the EU takes advantage of the opportunities offered by cloud computing development and could also ensure **European leadership** in the area.
- According to Kroes, the European cloud would not be a centralised super-structure but would join and enhance local and regional initiatives and be supported through the recently-agreed **Connecting Europe Facility**. The European cloud market should be a barrier free space allowing free circulation of cloud-based services and data. The **cloud uptake** is to be supported by increased demand, especially from the public sector, and by research and innovation support from the EU's Horizon 2020 programme.
- The cloud will also be discussed during the forthcoming **EU-US trade agreement**, stated Kroes.

Cybersecurity

EU: ENISA's workshop on cybersecurity challenges

- **ENISA**, the European Network and Information Security Agency published minutes from a recent workshop jointly held with the ISACA, a global information services association. Over 25 organisations attended the workshop which addressed **cybersecurity challenges** for national regulators, telecom operators, ISPs and auditors.
- ENISA presented the **cyber security incident reporting and security measures requirements in the EU**, focusing on the Electronic Communications Framework Directive and the proposed Data Protection Regulation and Network and Information Security Directive. The aim was to **disseminate ENISA's work** to a large community of certified cybersecurity experts.

General

Germany: Coalition talks may lead to the creation of an Internet ministry

- According to the recent media reports in Germany, the coalition talks currently held between the Christian democrats and the Socialists could lead to the **creation of an Internet ministry**.
- **Eco**, the country's Internet association, welcomed the news, noting that the cross-sectional function of the Internet reflected in one ministry would allow Germany to actively shape Internet policies.