

ISOC European Regional Bureau Newsletter

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Data protection

EU: Presidency calls for lowering sanctions for data protection breaches

- Lithuania, the current holder of the rotating **presidency of the Council of the European Union**, is to call for **lower sanctions for data protection breaches**, confirmed Povilas Drižas, who heads government talks on the dossier.
- Last month, the **European Parliament's Civil Liberties Committee**, which leads the assembly's work on the dossier, adopted amendments that significantly increase fines proposed by the Commission. Under the Parliament's amendments, companies breaching EU data protection rules could face fines of up to €100 million or 5% of their global turnover. The Commission proposed fines of up to €1 million or 2% of annual turnover.
- The increase in the proposed fines could have **unexpected effects on the business** decision-making process, warned Drižas.

EU: Belgian MEP's office copy-pasted amendments

- **MEP Louis Michel's** (ALDE, Belgium) office tabled 229 amendments on the proposed EU data protection Regulation. According to media reports, the amendments were **copy-pasted directly from lobbyists**.
- The **MEP has denied being personally involved** in tabling the amendments, underlining his commitment to a strong EU data protection framework, and pointing out the role of his assistant.
- According to Lobbyplag, an online platform that analyses the **influence of lobbyists on EU legislation**, 158 amendments were designed to water down the provisions of the proposed Regulation.

EU: Proposed Art. 43a on data transfers clearance not to apply to non-European companies

- In a recent speech, **Peter Hustinx**, European Data Protection Supervisor said that the provisions in the proposed article 43a of the data protection Regulation are not to apply to non-EU companies.
- Following a request by a third country authority, the **proposed Art. 43a on transfers** would require a controller or processor to obtain authorisation from a competent supervisory authority prior to any data transfer. The article was incorporated into the proposed Regulation in response to ongoing revelations about US snooping.
- The Irish data protection commissioner commented that the clause would not prevent foreign secret services from harvesting Europeans' personal data.

Net neutrality/General

EU: Rapporteur criticises the proposed 'Connected continent', not net neutrality

- The Commission's proposal on 'Connected continent' has been criticised by the European Parliament's Industry, Research and Energy Committee (ITRE) Rapporteur **MEP Pilar del Castillo Vera** (EPP, Spain).
- In her draft opinion, del Castillo underlined that important elements of the proposal **need a deeper public consultation and ex-ante assessment**. Nevertheless, the provision on **net neutrality**, as well as the proposed regulation of spectrum auction, has been supported in the draft. On the other hand, the draft **rejects changes to BEREC's role** that aim to establish a permanent chair and a selection process heavily influenced by the Commission.
- Earlier, Swedish, Irish, Maltese and Austrian parliaments had argued that the **proposed package infringed the principle of subsidiarity**, thus requesting the Commission to review the proposal. They have not yet gathered sufficient opposition among Member States.

Cybersecurity

EU: No progress on the proposed network systems' protection measures

- The EU member states have **made little progress in discussions** on the proposed Directive on measures to ensure a high common level of network and information security. One of the main points of contention is **the disagreement over the kind of companies that should be covered** in the Directive's scope; mainly the question of inclusion of 'information-society service providers'.
- Under the proposed provisions the so-called operators of critical infrastructure would have to notify national authorities when their networks are being affected by cyber-attacks.
- According to a note made public this week, the EU member states disagree with regards to **striking the right balance between EU-wide legally binding rules and voluntary measures**. Earlier this year, Germany, France, the Netherlands and Austria called for an approach combining obligatory and voluntary measures, while countries such as Slovakia and Cyprus argued in favour of a fully binding instrument.
- Currently, the Lithuanian Presidency of the EU is working on a revised text to the Commission proposal. The **European Parliament's Industry Committee** that leads the Chamber's work on the dossier plans to **vote on its amendments** at a meeting **on 22-23 January**.

Child safety online

UK: Child safety online improved, but the UK could still legislate on the matter

- On 18 November, **Prime Minister Cameron hosted a summit** on the progress made by ISPs, leading search engines and police agencies to provide **better child safety online**, block child abuse and other illegal content.
- In July, Cameron called on search engines to work on **filters and parental controls** to protect children. While praising their progress, Cameron warned that should the Internet players fail to voluntarily deliver further improvement of online safety, Britain would implement the necessary legislation.
- Microsoft and Google have agreed to introduce additional changes to their search engine policies that improved child safety online.