

ISOC European Regional Bureau Newsletter

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Net neutrality/Cloud computing/General

EU: Connected Continent proposal discussed at the Council, Member States voice doubts

- While welcoming the Commission's proposal on the telecommunications single market (Connected Continent), several EU Member States **voiced concerns** about the proposal and underlined that the same objectives could be promoted by the instruments already in place.
- Many delegations would give priority to what the official Council press release calls **more 'mature legislative proposals'**. These include a proposal on electronic identification as well as measures to reduce the costs of building broadband networks.
- While recognising the importance of **cloud computing**, Governments do not see a need to create an EU regulatory framework in this area.
- Slovenia, which already has legislation on **net neutrality**, stated that the Commission's proposal is too vague. The UK Representative voiced doubts about the need to agree on an EU-level action as the self-regulatory approach is deemed effective, internal sources reported.
- The upcoming **Greek Presidency** of the Council presented its programme in which the Connected Continent proposal has been given priority. The **European Parliament** wants to hold a vote on the proposal at the last plenary session of its current term in April 2014.

Data protection

Netherlands: Merger of Google's privacy policies breaches law

- The Dutch privacy regulator CBP has concluded that Google's step to merge privacy policies across its various services **breaches** the Dutch data protection act.
- According to CBP, Google is in violation of the law as the users' personal data merger has been done without proper permission. Also, users were not informed about what personal data the company gathers and to what end, underlined CBP.
- The watchdog has announced it is not going to fine Google should the company introduce the necessary changes. The Dutch investigation is part of a wider investigation led by the French data protection authority (CNIL) on behalf of all European data protection authorities united in the Article 29 Working Party.

France: Personal data could be monitored without judicial oversight

- A bill allowing French authorities to access and gather **data of Internet users** without judicial approval has passed the first reading in the French National Assembly. The bill would require ISPs and content hosting companies to feed lawmakers with details of user activities. The proposal is part of the 2014-2019 Defense Appropriation Legislatures.

- Currently, authorities in France are required to apply for a warrant to access this sort of information, which is usually a lengthy procedure. The wording of the proposal is said to provide a legal framework for direct network interception, thus allowing real time collection of data.
- The proposal has been **denounced** by a large number of stakeholders and civil rights groups.

Internet governance

French MPs call on the EU to challenge US hegemony in Internet governance

- A group of 33 French MPs, with the support of the EU Digital Agenda Commissioner Kroes, have called on **the EU to obtain a greater role in Internet governance**. According to the group, despite the great importance of Internet governance rules, the EU is not present enough in the decision-making process.
- The Vice-president of the EU Affairs Committee in the French Senate **Catherine Morin-Desailly** has urged the EU to take over the global digital challenges. The Commission has previously voiced concerns about the decision-making procedure in ICANN.

Cybersecurity

World Wide Web inventor criticises encryption cracking

- In a recent **interview**, **Tim Berners-Lee**, criticised the short-sighted approach of the US and UK national security agencies with regards to **encryption cracking**. Berners-Lee has criticised the naivety of states that want to introduce weaknesses into encryption systems because they believe that they will be the only ones to take advantage of these weaknesses. By doing so, states which have proclaimed themselves as fighters for cybersecurity have deliberately introduced breaches that aid cybercriminals, he underlined.
- A systematic surveillance of Internet data goes against the principles of universality and openness of the Internet. A loss of trust in the privacy of the web could have serious effects on the functioning of the digital economy and environment, Berners-Lee stressed. Eventually, state surveillance could lead to an even more serious threat, as governments such as Brazil look into how to uncouple their networks from the US to curb the NSA's snooping. Such a move would damage a central principle of the Internet – its **multi-connectivity**.
- The ability of national security agencies to prosecute (cyber) crime should not be undermined; however any investigation should be carried out under the supervision of a **system of checks and balances**. This system should be put in place under the aegis of a multi-stake holder model of Internet governance. Ultimately, Berners-Lee calls for **charter of rights for the Internet**.

EU: Member States differ on the best way to ensure network security

- During the last **telecommunication Council**, the EU Member States took note of the state of play regarding a **draft directive** aimed at ensuring a high common level of security of electronic communication networks and information systems across the EU.
- A division appeared between the Member States advocating **a flexible approach** comprising EU-wide binding rules limited to critical infrastructure and basic requirements, with complementary voluntary measures, while others consider that only **legally binding rules** would bring the necessary level of security. The latter has been supported by the Commission.
- The Member States also underlined the need for **more detailed discussions**, especially on the national competent authority role and the stakeholders covered by the proposal.

Copyright infringement

Commission launches public consultation on copyright

- As part of its efforts to review and modernise the EU copyright framework, on 5 December the European Commission launched a **public consultation on copyright**. The Commission's reform strategy is following two main tracks: overhaul of the EU legislative framework, as announced in **strategy** A Single Market for Intellectual Property Rights; and facilitation of industry-led solutions through stakeholder dialogue Licences for Europe.
- The stakeholders are invited to **share views** on various areas of the Digital Single Market, e.g. territoriality; harmonisation; limitations and exceptions to copyright in the digital age.

General

EU: Commission defends its secondary powers in telecom regulation

- At the **ECTA regulatory conference** that took place in Brussels on 3-5 December, **Vesa Terävä**, Head of the regulatory coordination and users unit in DG Connect, stressed that the Commission should be empowered to decide how to implement rules governing open Internet access.
- **MEPs Pilar del Castillo Vera** (EPP, Spain) and **Malcolm Harbour** (ECR, UK) who lead the Parliament's work on the dossier, have **proposed to restrict the Commission's powers**. Instead, the power to issue implementing acts should be handed to **BEREC**, the Body of European Regulators for Electronic Communications.