

ISOC European Regional Bureau Newsletter

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Data protection

EU: MEPs call for suspension of Safe Harbour agreement

- During a **plenary debate** that took place on 15 January, MEPs from various political groups **called** for the European Union to **suspend the provisions of the so-called Safe Harbour agreement**. This voluntary deal is said not to provide an **adequate level of protection** in light of the revelations about the US data snooping.
- **MEP Manfred Weber** (ALDE, Germany) stated that considering the current US approach, the agreement needs to be cancelled and renegotiated. **MEP Sophie in 't Veld**, Vice-Chair of the Parliament's Civil Liberties committee (ALDE, the Netherlands) has underlined that the **agreement is full of loopholes**; this has resulted in what she calls a structural abuse of the deal by the US side.
- **British Conservatives defended the agreement** underlining that it has worked well so far, and that any revision should not be rushed because of the allegations. The agreement has been highlighted as crucial for businesses in terms of processing of customer data.
- The **EU Home Affairs Commissioner Malmström** noted that the extensive consultations with the US had not revealed any breaches of the agreement.
- **US lawmakers** have warned that allowing **Snowden's testimony**, which is to be part of the Parliament's inquiry on data snooping, would be considered as a provocative act that could jeopardise ongoing negotiations on the **EU-US trade agreement**.

EU: Data Protection supervisor urges the EU to update its data protection framework

- In his last official speech as the **European Data Protection Supervisor (EDPS)**, **Peter Hustinx** has **urged** the new **German coalition government to lead the EU** to a swift **reform of the EU data protection framework**.
- Underlining Germany's role in the EU integration and the country's claims regarding its special responsibility in the area of data protection, Hustinx recalled that the proposed overhaul faces pressures both from political and various **economic interest lobbies** aiming at restricting data protection in the EU.

France: Google contest CNIL's conclusions

- Google has appealed against the **ruling** by the French data protection watchdog **CNIL**, that last week, imposed a fine on the company and required it to publish a warning on its website making users aware of the fact that it, allegedly, does not comply with the French data protection provisions.
- Google has **argued** that the 'Information Technology and Liberties' law is not applicable and questioned CNIL's competence as the data is processed outside of France.
- The final decision by the French highest administrative jurisdiction could be known within a week.

UK: Google loses ruling on Internet privacy

- In a case between British Internet users and Google over alleged breaches of privacy, the UK High Court has dismissed Google's claims that the lawsuit should be tried in US court.
- The ruling has concluded that bringing a lawsuit to the US would be too costly and burdensome for British Internet users. It also concludes that issues based on **English law should be resolved by an English court, rejecting Google's claim** that the company is not subject to UK data protection laws. Google is to appeal against the decision.

Net neutrality

EU: Kroes calls on US start-ups to come to Europe

- This week, an US appeals court has ruled that net neutrality measures put in place by America's Federal Communications Commission are invalid. Consequently, **the EU Digital Agenda Commissioner Kroes has called on US start-ups to come to Europe.**
- The invitation has triggered various reactions in which the proposed EU rules on net neutrality were often described as containing too many loopholes, thus falling short of promising true net neutrality. The most commonly mentioned flaw of the proposal is the ability of ISPs to conclude specialised services agreements on defined levels of quality of service which would substantially impair the general quality of Internet access.

EU: EDPS supports net neutrality but criticises the currently proposed terms

- **Peter Hustinx** has underlined the importance of having a unified **EU net neutrality framework** considering the significance of the Internet for cross-border economic and social exchange. But, the European Data Protection Supervisor has **criticised the proposed Regulation for electronic communications** which will, in his opinion, **limit Internet freedom** considering the rights the proposal gives to **ISPs** with regards to the **management of Internet traffic**.
- According to Hustinx, the **Connected Continent proposal is contrary to the EU data protection framework** and the EU Charter of Fundamental Rights, as it makes possible large-scale monitoring and restricts users' Internet communications.

Cybersecurity

Russia: Government to hold online discussion on cybersecurity strategy

- The **Upper Chamber of the Russian Parliament** has announced the government is to organise an online public discussion on the **state's new cybersecurity strategy**, the concept of which was announced in 2013. The feedback is expected to improve the existing laws.
- Russian authorities have proposed to organise specialised cybersecurity centres that would allow citizens and companies to consult on cybersecurity issues.

Cloud computing

EU: ENISA advises on incident reporting

- The **European Network and Information Security Agency (ENISA)** has presented its approach to incident reporting in cloud computing, suggesting reporting schemes.
- The recently published report considers **four different cloud computing scenarios** and investigates **how incident reporting schemes could be set up**. The establishment of reporting schemes should involve cloud providers, cloud customers, operators of critical infrastructure and government authorities, underlined ENISA.

- Based on research results, the main issues identified are the absence of national authority that would assess criticality cloud services and the fact that cloud customers do not include incident reporting obligations in their cloud service contracts.

General

EU: ETNO addresses open letter to the Greek Presidency

- ETNO, the European Telecommunications Network Operators' Association has sent an **open letter** to the Greek Presidency of the Council of the European Union. Underlining its willingness to cooperate, ETNO has urged the **Presidency to set up an ambitious agenda** for the European digital economy.
- Predicting a sharp increase in IP traffic (in 2017, global IP traffic is expected to reach 1.4 zettabytes per year) the European Union should take initiatives that would allow it to unleash its potential to invest and innovate, both at a continental and global level.
- The letter has stressed that a **new regulatory framework needs to take stock of the rapidly evolving ICT landscape**; the mid-term review of the Digital Agenda for Europe under the Greek Presidency should go further than amending the rules of the past and offer bold new objectives that consider synergies in other areas e.g. merger controls, data protection and copyright.