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Net neutrality/Connected Continent

EU: Presidency note reveals Member States' positions on Connected Continent

- The ongoing scrutiny of the **draft Regulation** establishing a [Connected Continent](#) revealed doubts the European governments have with regards to rules they perceive as unnecessary or overly prescriptive. In a recently published [report](#) drawn up by the **Greek Presidency of the Council of the EU**, the Member States stated they would **focus on net neutrality and consumer rights**, areas where progress is achievable. On the other hand, national governments are especially **sceptical about provisions on authorizations, spectrum and the virtual access products**.
- While all governments expressed **support for net neutrality**, they have diverging views on the necessity to legislate now. In addition, Member states agreed that the proposed provisions need **substantial improvement, stressing that a balance needs to be struck between net neutrality and traffic management**.
- The note revealed that the EU Member States generally back the efforts of the Commission on **consumer rights**. With regards to **spectrum allocation**, Member States seem convinced that spectrum issues could be solved by a better implementation of the existing framework. The proposed rules are even perceived by some as conflicting with EU provisions, the note said.

Comment:

EU Member States have not yet taken a formal stance on the Connected Continent proposal. National government experts are discussing the proposal on 23 and 26 May, before EU telecom ministers meet on 6 June.

EU: BEREC calls for further work on the proposed net neutrality principles

- While the EU Member States' telecom regulators welcomed the European Parliament's vote on the proposed Connected Continent package, in a [statement](#) from 17 May, the **Body of European Regulators of Electronic Communications** (BEREC) underlined that the proposal could be improved further, especially with regards to the provisions on net neutrality and spectrum allocation.
- With regards to net neutrality, BEREC highlighted that changes need to be done in order to **ensure that net neutrality definitions and rules are legally precise**, that they would not need to be constantly updated and they would be enforceable in practice. Instead of a detailed rules approach, BEREC would prefer an approach based on principles, giving national authorities the necessary power to ensure the respect of those principles.
- As for **spectrum allocation**, BEREC highlighted that there is little evidence supporting the Commission's claims that spectrum management across the EU is failing to the extent that would justify the scope of the proposal transferring powers to the Commission. According to BEREC, targeted measures rather than synchronisation would be more effective.
- Relating to **consumer protection**, BEREC welcomed Parliament's decision to water down the original proposal but stated that the proportionality of the provisions would need to be further assessed.

Data protection

EU: Germany says much more work needed on data protection Regulation

- **Günter Krings** (Christian Democratic Party), Germany's State Secretary, stated that discussions on the proposed [data protection Regulation](#) would be lengthy. Admitting that the draft backed by the European Parliament contains many good elements, he stated that areas such as big data or Internet of things are not adequately addressed. Krings argues that Germany wants to agree on a reform that will last longer than a decade. According to Krings, the [new privacy rules need to fit the Internet](#) and suit nowadays society.
- With regards to **data retention**, the Secretary stated that not retaining data for some time would create **security loopholes** and would lead the EU security authorities to rely on their US counterparts to provide network and location data.

Comment:

According to reports, the Greek Presidency intends to reach a partial general approach on the proposed data protection Regulation at the meeting of the EU Justice on 6 June. Concretely, this would mean that a majority of EU Member States find a common position on some parts of the proposal. Reportedly, those should include transfer of data to non-EU countries, data portability and possibly also the one-stop shop principle.

EU: Right to be forgotten ruling puts pressure on EU lawmakers

- The recent ruling of the **Court of Justice of the EU** on search engines operators' **responsibilities to take down links to unwanted content** is likely to put pressure on the EU lawmakers who are currently discussing the proposed overhaul of the EU data protection framework.
- The initial reactions ranged from **Computer and Communications Industry Association** that warned that the ruling opens the door for **private censorship** in Europe to **MEP Hannes Swoboda's** (Chair of the S&D group) who welcomed the ruling.
- Eventually, **the impact of the ruling on the Internet will depend on several factors**. According to internal sources within EU institutions, an important factor relates to the **national data protection authorities' interpretation of the judgment** and the role they will play in validating requests for removal. The actual impact would also depend on the extent to which other engines and online services would be affected by the ruling.
- The ruling's implication would also depend on the **users' readiness to claim their rights** and companies willingness to comply with requests or fighting them in court, reported internal sources.

- Overall, the judgment is said to be associated with **uncertainty**. While the judges of the CJEU were examining the EU data protection Directive from 1995, an updated version is currently under discussion. Therefore, **the 'right to be forgotten' judgement could catalyse the negotiations** that have been stalemated at the EU Member States level.
- The ruling is said to provide the legislators with a **preview of how strict data protection rules would function in practice** and what steps might be necessary to take in order to avoid unwanted consequences, internal EU sources said.
- **Isabelle Falque-Pierrotin**, head of the French data protection authority CNIL and chairwoman of the Article 29 Working Party confirmed that the [EU privacy regulators will hold a meeting](#) on 3 & 4 June to discuss **how the ruling would be enforced**. In the meantime, while acknowledging that they received complaints citing the judgment, both CNIL and the UK's ICO declined to comment on the number of requests received. ICO stated it is referring all inquiries to Google. In the EU, national regulators take charge of compliance for US companies that have EU headquarters in their countries.

EU: Privacy Forum 2014

- The [Privacy Forum 2014](#) took place on 20-21 May in Athens. The event organised by European Commission's DG CONNECT, the European Network and Information Security Agency (ENISA) and the Systems Security Laboratory (SSL) of the University of Piraeus aimed to provide a forum to academia, industry and policy makers in the field.
- The **main topics** covered were EU data protection reform, privacy for the cloud, and information-centric networks.

Cybersecurity

EU: Member States seek to loosen proposed cybersecurity rules

- According to a [note](#) by the **Greek Presidency**, Member States are seeking to **water down the provisions on information-sharing requirements** compromised in the proposed [Network and Information Security Directive](#). The states are said to argue in favour of a voluntary cooperation, pointing to the sensitivity of some commercial data. They also oppose the setup of a secure infrastructure for transmission of information. The draft Directive applies to operators of critical infrastructure, including Internet companies.
- While the European Parliament adopted its amendments in March, the Member States have not yet agreed on a common position. During the latest round, the talks focused on proposals for the Commission and the Member States to create a **coordinated network for information exchange**.
- Among the Member States pushing for looser rules, **Germany and the UK** underlined they want the cooperation to focus on technical aspects of the law, rather than operational obligations. According to those countries, such a way would support trust building among EU Member States.
- The Presidency's memo noted that the Commission is given overarching powers and argued that the Member States, not the Commission, should decide on the information to provide to the coordination network. The memo added that further discussion is **necessary to clarify timing and nature of case that would require a coordinated EU response** to a cyber incident. The Greek Presidency proposed that compulsory reporting should only apply to cases with significant cross-border impact. As for the scope of the proposed Directive, the Member States have yet to decide if the rules would apply to Internet companies and public bodies.

General

EU: MEP Schaake proposes creation of a Digital Affairs Committee

- **Dutch MEP Marietje Schaake** (D66/ALDE) has called for the **creation of a European Parliament Committee on Digital Affairs and Technology**. Schaake who runs again in the current EP elections is Member of the Culture and Education Committee and of the Delegation for relations with the United States. She has been very vocal on Internet policies.
- The **creation of a committee** dedicated to digital affairs would put an end to the current fragmentation, as digital issues are dealt with in different committees. According to Schaake, the current committees, as well EU budget allocations reflect the past. Putting digital agenda on the top of priorities should be among the new Parliament's ambitions, underlined Schaake.