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Internet governance

France/EU: A report by the French Senate outlines strategy for greater EU Internet governance

- Under the supervision of **Senator Catherine Morin-Desailly**, the French Senate has published a report entitled the *New role and new strategy for the European Union in the global governance of the Internet*, which outlines a strategy for greater European Internet governance led by the Franco-German alliance. The report has called on the **EU to play a key role in ensuring that Internet governance is independent and democratic**. The globalisation of Internet governance should follow the principles agreed on at the NETmundial conference, underlined the report.
- While the document admitted that the **current self-regulatory system proved its effectiveness**, the **hegemony of the United States** in Internet governance is deemed **no longer sustainable**, as heavily questioned by the revelations of Edward Snowden. According to the report, despite the action of the European Commission's DG Connect, the position of the EU in the discussions on Internet governance is **not being visible enough**, as not assumed by all Member States at the Council level. Thus, because of a lack of political will, Europe is living under the **commercial domination of the USA**, "functioning as a digital colony".
- The report contains a list of **62 proposals aiming at establishing a national and European strategy** to secure a place for the EU on the global digital stage.
- In order to reform the Internet governance model, the report suggested including the founding principles agreed upon at the recent NETmundial conference in an **international treaty open to all states** that would be **subject to online ratification by Internet users**. A distributed and transparent structure, clarifying the roles and interactions of different actors involved in the Internet governance and a **reformed ICANN** would ensure an appropriate administration.
- The **Internet Governance Forum** should be transformed into a **World Internet Council**, which would control the conformity of decisions regarding Internet governance. Furthermore, the report has proposed to restructure the **ICANN**, a non-profit organisation coordinating the global domain name system into **World ICANN (WICANN)** that would be conform to international law rather than Californian law, as it is the case for ICANN, and be accountable to the **World Internet Council**. In order to allow revision of WICANN's decisions, an **independent and accessible appeal mechanism would be set up**.
- At the initiative of **France and Germany**, **two industrial projects** should be launched: an **operating system for European mobile phones** and a **secured European cloud**. The report underlined that the European potential in security matters needs to be exploited.
- **Senator Gaëtan Gorce**, head of the Senate's mission that prepared the report, stated that the Snowden affair came as a blessing, shaking up public opinion and **making people realise the importance of healthy Internet governance**.

Data protection

EU: Hearing of Justice Commissioner Reicherts

- On 14 July, the European Parliament's Committees on Legal Affairs (JURI), Women's Rights and Gender Equality (FEMM) and Civil Liberties, Justice and Home Affairs (LIBE) held a **joint hearing of Martine Reicherts, the then Commissioner-designate for Justice**. The appointment of Reicherts as EU Justice Commissioner was confirmed by the vote of the European Parliament on 16 July.
- Stating that the European area of justice has seen some big progress, Commissioner **Reicherts** underlined that **progress in the data protection package is a priority**. The Commissioner believes that the trialogue negotiations on the dossier will be able to start before the end of 2014.
- With regards to **Safe Harbour**, Reicherts said that progress has been made but underlined that it is important for the **13 recommendations** made by the Commission to be followed up with actions, a necessary condition for **re-establishing trust with the USA** in terms of data protection.

EU: EU data protection authorities to meet with search engines to discuss right to be forgotten

- The **Article 29 Working Party (WP)** announced it will organise a **meeting with search engines operators** to discuss and exchange views over the consequences of the recent Court of Justice of the European Union's ruling on the **right to be forgotten**. The meeting will take place on **24 July**.
- The EU data protection watchdogs met in Brussels on 15 July in order to elaborate guidelines on the handling of individuals' complaints which the authorities might receive in the case of negative responses from search engines to the requests for removal.
- The authorities underlined the need for individuals to understand the precise reasons a search engine, subject to European Union law, can legally refuse this right.
- The upcoming meeting should enable finalisation of the **WP's guidelines foreseen for autumn 2014**.

The Netherlands: All telecommunications could be placed under constitutional protection

- The **Dutch government** has proposed to amend the article 13 of the Dutch Constitution that governs the **confidentiality** of letters, phone communications, and telegraphs in order for the law to encompass **all telecommunications**. The proposal deliberately refrains from defining any specific technologies which should make the legislation futureproof. The amendments would make email, VoIP conversations and shielded online messages considered as confidential by the Constitution.
- There would be exceptions, for example in case of police investigation.

UK: Parliament votes in favour of emergency data retention legislation

- The lower house of the **British Parliament** voted in favour of the **proposed emergency legislation** that allows police to continue **accessing Internet and mobile phone data**.
- Despite a fierce opposition by several MPs, the House of Commons passed the bill permitting mobile networks **and Internet providers to keep information on communication** for investigation needs by a large majority.
- The bill needs to be approved in the House of Lords.

EU: Commission President reiterates the importance of data protection

- In a policy paper called *A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change; Political Guidelines for the next European Commission*, presented ahead of the European Parliament's vote that confirmed the nomination of Jean-Claude Juncker as Commission President, the future President said that **data protection is a fundamental right** of particular importance in the digital age.
- Juncker stated that while the EU finalises the overhaul of its data protection framework, it should also **uphold the protection in its external relations**. With regards to **Safe Harbour**, Juncker stated that the **United States must convince the EU** that the arrangements are safe in order for the agreement to

remain in place. Mentioning the proposed **Transatlantic Trade and Investment Partnership**, Juncker said the **EU is not to sacrifice its safety or data protection standards to conclude the commercial deal**.

EU: EDPS publishes a report of workshop on Privacy, Consumers, Competition and Big Data

- The office of the **European Data Protection Supervisor** published a **report** on the **Privacy, Consumers, Competition and Big Data workshop** it organised on 2 June.
- The five main topics that the 70 experts discussed were :
 - the features of the digital economy and the importance of personal data to its development;
 - the aims of competition law and how those are played out in practice;
 - the various ways in which the interests of the 'consumer' are understood in competition law and consumer protection law;
 - the extent to which privacy is considered a competitive advantage in digital markets
 - the challenges for enforcement cooperation in the fields of competition, consumer protection and data protection
- The report on the workshop noted that the **number of big data related mergers more than doubled** between 2008 and 2012, allowing companies to attract more customers and data using multiple online services. This situation is said to create a **growing risk of abuse** which **requires cooperation among data protection, consumer protection and competition authorities**.
- In his **contribution** to the *European Voice* online debate on big data and consent that took place on 14 July 2014, **Peter Hustinx**, the European Data Protection Supervisor stated that the recent **right to be forgotten case highlighted the potential of rights** and remedies available for individuals in terms of effective means to achieve access, correction or erasure of personal data.

Copyright

EU: Commission postpones paper on copyright reform until September

- The European Commission has decided to **postpone the publication** of the awaited white paper on the **reform of EU copyright framework** until **September**.
- The delay is said to allow the Commission to finalise, what its spokesperson called an ambitious and balanced strategy promoting innovation and creativity in the single market.
- The leaked version of the draft suggested that there would only be **modest changes to the rules currently in place** as the EU Member States are believed to lack political will to introduce major changes.
- A summary of the **11,000 responses** the Commission received to its **public consultation** is to be published in the coming days.

Cybersecurity

EU: Update on cybersecurity

- Poland has reportedly taken the **initiative to propose a compromise text** on the proposed **network and information security Directive**. The proposal seeks to make **EU Member States reinforce cross-border cooperation** in order to effectively respond to disruptions and would **require operators of critical infrastructures**, encompassing Internet companies, to **notify national authorities** when their networks are seriously compromised. **France, Germany and the UK** are said to push for **looser cooperation obligations**, boosting cooperation step by step. The Polish compromise text envisages **two layers of cooperation**: non-confidential information sharing and operational cooperation in which the national emergency-response teams would take coordinated action.
- **UK Prime Minister David Cameron** has announced the country is going to **increase its spending on cyber defence** as a report warned that the country's increasing reliance on a connected infrastructure

could create new opportunities for criminals and terrorists. The Prime Minister stated that £800m will be spent on intelligence and surveillance equipment.

General

EU: Courage needed to create a truly connected continent, Juncker

- The future President of the European Commission **Jean-Claude Juncker** stated that among his **priorities** as the leader of the EU executive are **digital and online markets**. By creating a connected digital single market, the EU could generate up to € **250 billion of additional growth**, Juncker said.
- In order for the EU to take advantage of the opportunities offered by digital economy, the **EU needs to have courage** to break down what he called national silos in **telecom regulation**, and also in **data protection and copyright**. The application of competition law and management of radio waves would complete the picture.