

ISOC European Regional Bureau Newsletter

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Data protection

EU: Data protection standards non-negotiable, says Commissioner-designate Jourová

- During her Parliamentary hearing, **Věra Jourová**, the Commissioner-Designate for Justice, Consumers and Gender Equality stated that **data protection and privacy are fundamental rights** that cannot be compromised.
- In the **written answers** to the European Parliament's questionnaire that preceded the hearing, Jourová underlined that she will work closely with the European Parliament and Member States, **striving for the adoption of the proposed overhaul of the EU data protection framework within the first six months** of her mandate. **MEP Jan Philipp Albrecht** (Greens, Germany), the Parliament's Rapporteur on the proposed data protection Regulation, voiced his scepticism with regards to the negotiations' completion in six months. Admitting that there is a **number of pending problems**, as Member States question the functionality of the proposal and fear whether the framework would not impose too much burden on data users, Jourová said that the technical issues need to be resolved quickly as the **EU can no longer apply the obsolete 1995 Directive**.
- The Commissioner-designate voiced doubts about the **safety of transatlantic data transfers**, pointing to the inadequate protection under the current **Safe Harbour agreement**. Nevertheless, she underlined that it would be **irresponsible to scrap the agreement before a better instrument is implemented**. In November 2013, the European Commission sent the US authorities a list of 13 points where the agreement should be improved. In June 2014, former EU Justice Commissioner Reding announced that 12 of the points have been dealt with in a satisfactory way. The US government still needs to address EU concerns about the use of national security as justification for data collection and processing.
- The **confirmation of the Commissioner-designate has been postponed**. On 2 October, in a letter addressed to the Commission President-elect Jean-Claude Juncker, the President of the European Parliament Martin Schulz submitted additional questions to several Commissioners-designate, including Jourová. The relevant Committees came to the conclusion that they require further information in order to complete the evaluation of the nominee. The additional questions touched upon the indicated timeframe for the completion of the data protection Regulation negotiations and a repeal of the Safe Harbour agreement.

EU: Avramopoulos stops short of pledging new EU data retention rules

- **Dimitris Avramopoulos**, Commissioner-designate for EU home affairs, declined to commit to drafting new EU rules on data retention. But, the **Commissioner-designate remained open to considering replacement legislation**, adding that any new rules would be guided by the EU court decision.
- The European Court of Justice **overturned the data retention Directive** requiring telecom and Internet providers store customers' data for criminal investigation purposes in April. According to the court, the Directive breached human rights.

EU: Commissioner-designate for Competition Margrethe Vestager underlines data value

- On 2 October, the **Commissioner-designate for Competition, Margrethe Vestager** was questioned by the Committee of Economic and Monetary Affairs (ECON) and the Committee of Internal Market and Consumer Protection (IMCO) of the European Parliament.
- The question of **enforcing competition rules** in the digital age featured prominently, especially with regards to pending action against Google.
- Vestager stated that EU lawmakers need to **update their understanding of the role personal data play in competition**. The comments came amid increasing concerns with regards to the online companies using large amount of data in what is perceived as anticompetitive way.
- The Commissioner-designate underlined that she **recognises big data as the new currency of the Internet**, adding that she will closely work on the subject with her peers in charge of personal data.
- Answering a question whether current **competition laws** were appropriate for dealing **with big IT companies**, the Commissioner-designate said that the principal challenge was to keep up with **the evolution of the market**.

Digital Agenda

EU: Commissioner-designate for Digital Economy and Society Günther Oettinger answers MEPs

- On 29 September, the **Committee on Industry, Research and Energy** and the **Committee on Culture and Education** jointly held a hearing with Commissioner-designate for Digital Economy and Society **Günther Oettinger**. The main topics discussed during the hearing were the **future reform of copyright, net neutrality, completion of the digital single market and start-ups**.
- During the hearing, Oettinger underlined that **investors** need planning certainty, and a **digital policy** that looks ahead. However, according to Oettinger, once the current telecom draft is approved, the EU should come back and have **successive reforms**. **The review of the law** could be done **every three or four years**. Another priority for the Commissioner-designate is a proposal on **the reform of copyright**.
- In addition, Oettinger flagged some more generic goals, calling for Europe to regain its **leadership in technology; to curtail the dominance of non-European Internet giants**; and to give **start-ups** a central role in Europe's new digitised economy.
- However, when it came to translating those goals into practice, the Commissioner-designate statements left **little clarity** on what to expect.
- On 1 October, Commissioner-designate Oettinger was **approved** by the Committees. Attention has now turned to **Andrus Ansip**, who will coordinate **digital policies** as Vice-President of the Commission. His hearing will take place on 6 October.

Cybersecurity

EU: ENISA launches the European Cybersecurity Month

- **ENISA**, the European Union Agency for Network and Information Security, together with the European Commission's DG CONNECT and partners, has launched the **European Cyber Security Month (ECSM)**.
- The ECSM is **EU's advocacy campaign that promotes cyber security** among citizens and advocates for change in the perception of cyber-threats.
- The launch of ECSM coincided with the **10th anniversary of ENISA**. Celebrating the achievements of the agency, EU Digital Agenda **Commissioner Kroes** stressed that the EU needs to be more ambitious in the sector. One of the ways how the EU intends to improve its cybersecurity is the proposed **Network and Information Security Directive**. The Commissioner expects the negotiations on the Directive to be **finalised before the end of 2014**.

- A strengthened cybersecurity environment should incorporate **industry's security solutions**, stated Kroes adding that she is already in discussion with her designated successor Günther Oettinger on how to design, in a short term, an **advisory group for a cybersecurity industrial strategy**. The advisory group will develop an industrial strategy for a stronger ICT security industry in Europe.

Cybersecurity/ Internet governance

Russia: Moscow outlines plans to strengthen Internet security

- At the **Security Council meeting** that took place on 1 October, Russian President Vladimir Putin stated that the country needs to develop and implement **additional measures** in the field of information security, adding that certain countries were aiming to use their influence on the Internet to disable Russia.
- The President reaffirmed that Russia did not intend to **limit access** to the Internet, put it under total control, or nationalise it. Earlier, he has claimed that he does not plan to copy **a Chinese-style approach** to web regulation. However, the Security Council made clear that more **regulatory plans** are on the way. Last week, **Russia's communications regulatory body**, Roskomnadzor, confirmed that it had sent letters to **Google, Facebook and Twitter** requiring the companies to register in Russia. The request is understood as a preparatory step for **enforcing data storage demands**.
- Analysts believe that Russia's authorities' plans for building back-up infrastructure could impose **additional investment burdens** on Russian Internet companies and telecoms operators.

Net neutrality

EU: Net neutrality provisions continue to divide

- The push on single telecom market is said to worry EU Member States representatives who believe that the proposed **Connected continent package** does not add any value to rules already governing the industry. Gathered for a meeting in Brussels, the national telecom experts were unable to reach a consensus on **a compromise text** proposed by the Italian Presidency of the Council of the EU.
- Ahead of the meeting, a Commission representative told journalists that the compromise text put forward by Italy (focusing on mobile roaming, frequency auctions and net neutrality) would lead to the **completion of the negotiations in 2014**. In order to do so, Italy would need to receive a mandate from EU governments to start final negotiations with the Parliament and the Commission by the end of October or beginning of November.
- Several **Member States remain concerned** about whether the **net neutrality provisions** would strike the right balance between keeping Internet traffic flowing freely and efficient network-management tools.
- Speaking at the **ETNO FT event 'A New Digital Agenda - Towards a European Renaissance'**, Reed Hastings, CEO of Netflix, stated that **no company should be held hostage by an Internet Service Provider**. Opposing the plans that would allow ISPs to charge extra for faster connections, Hastings said that many people support the principle of net neutrality, as they fear the loss of what he called the digital commons.

Copyright

Germany: Google stops displaying news snippets from German publishers that sued it

- Following the legal action by **German publishers**, and the passing of an ancillary copyright bill, **Google** will **stop displaying news snippets and thumbnail images** from some of the country's biggest publishers.
- In June, Google was sued by major German publishers represented by the copyright and collection body **VG Media**.