

ISOC European Regional Bureau Newsletter

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Internet governance

EU: Member States asked to promote multistakeholder structures of Internet governance

- In the **draft Council conclusions** on Internet governance prepared by the Italian Presidency of the Council of the EU (adoption scheduled at EU Telecom Council of 27 November), Member States and the Commission have been invited to **develop coordinated positions** promoting **multistakeholder structures**. Those efforts should encompass fostering of cooperative governance framework and **globalisation of core Internet decisions and bodies** (e.g. strengthening of the Internet Governance Forum, reform of ICANN etc.).
- The document underlined the importance of endorsing and promoting **NetMundial principles**, and asked for commitment to the **World Summit on Information Society process** (WSIS+10).
- The draft conclusions called on the EU leaders to convene a **NetMundial follow-up meeting** in Europe before the end of June 2015. The development of the **Global Internet Policy Observatory** as a resource for the global community should be maintained, the document stressed.

Data protection

EU: LIBE Committee supports Buttarelli for the post of European Data Protection Supervisor

- The European Parliament's **Civil Liberties Committee** (LIBE) **voted** on its preferences for **EU data protection watchdogs**. After a hearing, **Giovanni Buttarelli**, the current Assistant Supervisor, was voted top candidate for the post of European Data Protection Supervisor (EDPS). **Wojciech Rafal Wiewiórowski** is to be his second in command.
- The EDPS and Assistant Supervisor are appointed for **five-year terms**. The appointments still need to be agreed with the Council of Ministers.

EU: Commissioner Oettinger calls for the creation of EU data protection authority

- **Günther Oettinger**, the incoming EU Commissioner for Digital Economy and Society, plans on better protecting data in the EU, as he **advocates** for the **creation of a separate EU authority for data protection**.
- He underlined that it is necessary to prevent EU Members States from overturning European standards, because they do not consistently apply the rules in practice or because their authorities work with too little staff.

Sweden: Court upholds data retention rules

- Rules requiring telecom operators to **collect information on communications traffic** for the purpose of investigation are **acceptable**, a Swedish court has ruled, rejecting a challenge introduced by Tele2 following the EU Court of Justice judgment that annulled the **EU data retention Directive**.
- The Swedish court found that the national rules contain sufficient safeguards to correctly balance the violation of privacy and the public interest in investigating crimes. However, the rules could be improved

for example by limiting the range of people that can access the operator's stored data, said the Court.

Cybersecurity

EU: Question of online companies inclusion within the scope of the NIS Directive divides Member States

- EU Member States remain divided whether **Internet companies** should comply with the proposed **Network and Information Security Directive**. While the UK and the Czech Republic want to exempt online companies from the rules (e.g. Internet payment gateways, cloud computing providers, Internet exchange points etc.), France and Spain think they should be included. Germany would prefer leaving Member States the choice to decide on a case-by-case basis through their national laws.
- Last week, Italian Presidency started the three-way talks with the European Parliament and the Commission. The Parliament has been of the view that only **operators managing Internet traffic** can be considered as critical providers, therefore they have proposed that only Internet exchange points are subject to the Directive's rules.
- A second trilogue meeting might take place on 4 November, as long as Member States representatives reach a new agreement on the proposed text in their technical meetings, the first of which is taking place on 24 October.

Open Internet

France: Senate passed the proposed anti-terror law allowing administrative blocking of websites

- The French Senate passed a new anti-terror law that allows for **administrative blocking of websites**. Digital liberties organisations have criticised the bill, as it is perceived as overly broad and giving vague powers that would breach individual rights.
- *Conseil National du Numérique*, government's advisory council, pointed to practical issues linked to the proposal. The council noted that servers hosting an illegal site might also host legal sites that would be affected by the ban and also recalled that much Internet blocking can be circumvented.
- The new law still has to be examined by a Joint Commission in the coming weeks.

Turkey: Social media information need to be treated analytically

- In a **lecture** given in Latvia, **Turkish President Erdogan** stressed that despite the misleading criticism of Turkey in the social media, the **country upholds the fundamental human rights**. Erdogan warned that **social media are prone to manipulation**, it is therefore critical to treat the information in critical way.
- Erdogan compared the Internet to a knife, saying that if wielded by a murderer, it will kill, but if used by a surgeon, the knife will save someone's life.

Internet governance/Open Internet

Russia: National governments should control the Internet

- Speaking at the gathering of the International Telecommunications Union (ITU), Russia's Communications and Mass Media minister **Nikolai Nikiforov** **argued** in favour of **international regulations securing state control over the Internet**. Russia's position is that without this control, national governments would be left vulnerable to information attacks by foreign powers. The international rules relevant to information and communications technology should thus be **developed under the aegis of the UN**.
- According to Nikiforov, the norms should be based on the principles of non-intervention in internal affairs, and on the sovereign right to govern the Internet in national information space.
- Meanwhile, **Russia's Internet ombudsman** warned that should the new Internet law take effect on 1 January, **Internet companies will not to be able to comply in time** with the requirement to **store personal information** of Russian Internet users within the country. Vadim Dengin, deputy head of the

State Duma Information Policy Committee reassured that the lawmakers are engaged in a dialogue with the industry, and that the law will most likely **take effect in September 2016** as initially planned.

General

EU: Digital Single market among priorities of the Juncker Commission

- In his statement in the European Parliament plenary session ahead of the vote on the College of Commissioners, Commission President Jean-Claude Juncker highlighted the importance of the completion of the European digital single market.
- Juncker noted that the **EU is losing out as it is not unlocking the potential of its digital single market**. Therefore, addressing this issue will be one of the first legislative initiatives of the Juncker Commission that will take office on 1 November.

Hungary: Plan to tax Internet traffic

- According to a draft bill submitted to the Hungarian Parliament, **ISPs would be required to pay** 150 forints (€0.49) for every gigabyte of data traffic over their network. Responding to the opposition the proposal triggered, Hungarian authorities stated that new tax will be paid by ISPs only, rather than Internet users.
- Currently, the **draft does not set a maximum amount an ISP would pay**. The country's economy minister expects the tax to generate annual revenue of €65 million. But, according to a recent report, Hungarian Internet traffic would make revenue of €570m without a cap.
- **IVSZ**, Hungary's IT, Communications, and Electronics Enterprise Association, called on the government to scrap the proposal, underlining that the tax would obstruct Internet infrastructure development. **Krisztina Rozgonyi**, the former head of the Hungarian telecoms regulatory body, joined the critics stating that the tax will hurt businesses, obstruct social mobility and reduce freedom of the press.

Italy: Draft Internet bill of rights unveiled

- The parliamentary committee charged with examining Internet rights and duties, part of Italy's Chamber of Deputies, published the **initial draft** of the **Internet bill of rights**. The document puts anonymity, privacy and net neutrality and the heart of Italian web users' rights.
- The declaration, which is said to draw inspiration from similar documents adopted in Brazil, France and Germany, puts a special stress on users protection from widespread monitoring.
- The text stipulates that **restrictions on anonymous communications** may only be imposed when based on the need to safeguard public interest. It also calls for the users of digital platforms to have **better control over their data**. This should encompass the right to have personal data removed.
- In light of big data analysis, the proposed declaration argues in favour of a **revocable consent**. The **right to be forgotten** is also supported, except when it conflicts with the right of public to be informed.
- Reportedly, one of the most discussed points was **net neutrality**, with some of the committee members arguing in favour of a free market model allowing operators to set different levels of Internet access and different prices for various services. The declaration defines **net neutrality as an individual right**, thus going further than the proposed EU text on the matter.
- **Massimo Russo**, a member of the committee and editor in chief of Wired Italy, expressed his disappointment about some of the declaration's points, warning that in several parts, **risk limitation and innovation control prevails over the open-minded attitude** necessary to fully benefit from digital opportunities. He also denounced an excessive emphasis on privacy defence that limits the freedom of expression.
- The declaration will be subject to a four-month **public consultation** that opens on 27 October.

Germany: Net neutrality and big data in the spotlight

- A new industrial strategy – an ‘**Industry 4.0**’ which would link the digital sector with industrial manufacturing – would increase Germany’s competitiveness vis-à-vis world leaders in both areas, German Chancellor Angela Merkel said at the national IT summit. **Net neutrality** and **privacy** would be **key components of Germany’s strategy to bridge the digital and competitiveness gap** with countries such as the US.
- According to the Chancellor, EU institutions will need to seek for a common ground in negotiations on the **telecoms package**, so that specialised services can be provided in the future to ‘each individual’ by ‘each provider’, in a non-discriminatory manner. Developing the capacity (bandwidth) to provide such services would be crucial to ensure their non-discriminatory character.
- The Chancellor also asked for a shift in German mentality regarding the use of **big data** which could boost the productivity of industrial production and the services sector. Data anonymisation can be key for German companies to preserve privacy while using large data sets to improve consumer experience, the Chancellor said.

France: TTIP should not widen digital gap between the EU and the US

- The French Telecom Federation welcomed the European Commission’s decision to make the TTIP negotiations mandate public but **warned** that the Transatlantic Partnership should not widen the digital gap between the EU and the US. The federation is strongly opposed to the proposed setup of a private arbitration court to settle **investor-state disputes**.
- The Federation underlined the need to regulate the digital economy players but noted that due to the short innovation cycle limiting predictability, applicability of digital laws needs to be carefully assessed. This lack of predictability concerning digital disruption should make European lawmakers cautious about drafting TTIP articles.