

ISOC European Regional Bureau Newsletter

12 December – 19 December 2014

<http://www.Internetsociety.org/what-we-do/where-we-work/europe>

Data protection

EU: Adoption of Data Protection Regulation could be postponed to 2016, says MEP Albrecht

- **MEP Jan Philip Albrecht** (the Greens, Germany), Parliament's **Rapporteur on the proposed Data Protection Regulation**, stated that if the EU Justice Ministers do not reach an agreement by March 2015, it is unlikely that the negotiations will be concluded in 2015. Albrecht estimates that the Parliament needs at least nine months to agree on the rules.
- Recently, **EU Justice Commissioner Jourová** expressed her optimism with regards to Member States reaching an agreement on the proposal by March.

The Netherlands: Dutch regulator threatens to fine Google and opens probe into Facebook's terms

- The **Dutch data protection authority**, *College Bescherming Persoonsgegevens* (CBP), threatened to **fine Google** for violating Dutch privacy rules and announced it **opened a probe into Facebook's** forthcoming **update of privacy terms**.
- CBP stated that Google's terms of service on privacy, updated in 2012, are violating the Dutch Data Protection Act. According to the regulator, Google combines users' data from its various services without an adequate consent. **Jacob Kohnstamm**, CBP chairman and former head of the Article 29 Working Party called on the company to provide means for unambiguous consent. The company faces a €15 million fine unless it makes changes to the policy.
- The **regulator's probe into Facebook's privacy policy** follows the recent announcement by the company that it will introduce new terms of service. The regulator stated that the change in the company's policy scheduled for 1 January should be postponed until the results of the investigation are known.

Net neutrality

EU: Member States put three options for net neutrality on the table

- **Negotiations on net neutrality carry on** as Member States' representatives returned to the drawing board after failing to reach a consensus on the Connected Continent package under Italy's Presidency.
- Different EU Member States put forward **three competing options** on introducing net neutrality rules in EU law.
- Overall, the proposed **options are specific and technical** and aim to regulate which ways of managing traffic – if any – would be acceptable under a new European legal framework for telecommunications.
- **Germany** favours permitting the development of the so-called **specialised services** alongside Internet connection services.
- The **United Kingdom and Spain seem to agree with Italy's approach** that specialised services should not be explicitly referred to in any new law, as they are distinct from Internet access services. According to this proposal, only equivalent types of traffic should be treated equally by telecoms operators.

- A proposal by **the Netherlands** aims to ban blocking and prioritising of certain types of traffic and seeks to put an end to price discrimination (the so-called zero-rating) applied by operators for the use of certain Internet services. Therefore, the Netherlands are likely to oppose any EU rules perceived as less stringent.
- Negotiations on the proposed package will continue under the **Latvian Presidency** which takes over the rotating Presidency of the Council of the EU on 1 January 2015.

Cybersecurity

EU: Talks on the proposed NIS Directive to carry on in 2015

- The question of how much power the EU Member States should have to **determine which companies must comply with the rules** of the proposed **Network and Information Security Directive (NIS)** continues to divide. Thus, the plan of the Italian Presidency to have the negotiations concluded by the end of the year will not be fulfilled and the **dossier will be handed to Latvia**.
- The **governments argued in favour of retaining the right to decide** on operators of critical infrastructure based on national circumstances. On the other hand, **the Parliament** argued that the **rules across the EU should be aligned as much as possible**. The Parliament has been concerned that the Member States' approach could eventually lead to no company falling within the scope of the Directive.
- The question of the **inclusion of Internet enablers** also divides the negotiators. While the Parliament excluded all online companies from the Directive's scope (except for Internet exchange points), Member States remain divided. France, Germany and Spain underlined that freeing all types of online companies from the law's provisions is unacceptable.

Germany: Federal Government passes IT security bill

- As part of the implementation of the country's **Digital Agenda**, German Federal Government adopted a proposal on IT security presented by Interior Minister Thomas de Maizière.
- The law is said to make Germany's IT systems and digital infrastructures of the most secure in the world, requiring **services providers to increase their security settings**.
- Moreover, telecommunication companies will be obliged to warn their customers when they notice that a customer's connection is being misused.

Copyright

EU: Copyright reform comprised in the upcoming Digital Single Market Package

- The European Commission published its **2015 Work Programme** which confirmed the upcoming publication of a **Digital Single Market Package**.
- Overall, the Package will aim to ensure consumers cross-border access to digital services, create a level-playing field for companies and create **conditions for a thriving digital economy and society**.
- The package will include the **modernisation of EU's copyright rules framework**.
- Meanwhile, **MEP Julia Reda** (The Greens, Germany) of the Parliament's **working group on intellectual property rights and copyright reform** announced that her **draft report** on the implementation of the **2001 Information Society Directive** will be presented to the Legal Affairs Committee on 20 January. The Parliament's plenary will vote on the **final report on 20 May**.

General

EU: Internet usage amongst EU population increases

- According to **data** released by EUROSTAT, **Internet usage amongst EU population has been increasing**, with users using the Internet more often.

- In 2014, **almost two-thirds** (65%) of individuals aged 16 to 74 in the EU **have been using the Internet daily**, compared with less than a third (31%) in 2006.
- During the same period, the **percentage of individuals that have never used the Internet dropped** from 43% in 2006 to 18% in 2014.
- In 2014, the share of daily users among the population ranged from 32% in Romania to 85% or more in Denmark and Luxembourg. Compared with 2006, the share of daily Internet users has considerably increased in 2014, rising by at least 20% in all Member States.

EU: ECTA maintains Commission omitted proper consultation

- European Commission and ECTA, the trade association of new entrant telecoms operators, are still in a **row over the preparative process which led to the Commission's proposal of telecoms regulation overhaul**.
- In its letter to the **European Ombudsman**, ECTA reiterated its claims (filed earlier this year) that the Commission had not undertaken a wide public consultation before drafting the proposed package.
- The Commission had replied to ECTA's allegations, suggesting that it had incorporated the results of several public consultations on telecoms issues to the draft law and asking that the association refrains from being involved in its internal law-making process. However, **ECTA challenged this statement**, replying that despite concrete and explicit requests for a consultation during the preparatory phase, the Commission chose to ignore some stakeholders.