

ISOC European Regional Bureau Newsletter

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Net neutrality

EU: Presidency's line-up of meetings designed to speed up negotiations

- The prospects of the proposed **Connected Continent package** being **approved in the coming months** increased as the **Latvian Presidency proposed a series of meetings**. A roadmap presented on 13 January to Member States telecom attachés was reportedly broadly welcomed.
- Net neutrality was among the issues causing a deadlock in the intergovernmental talks. Latvia has proposed that **net neutrality be enshrined as principle**, rather than legislating how telecom operators can manage traffic on their networks in detail.
- Delegations will receive a **proposed net neutrality text on 20 January**, giving attachés a week to consult their ministries before discussing the draft on 27 January. This way, the Presidency intends to **assess in early February the prospects of reaching an agreement** on a final draft which could be submitted to final negotiations with the European Parliament.
- Separately, **EU Digital Economy Commissioner Günther Oettinger** has invited telecom ministers to an **informal gathering** in Brussels on 21 January to discuss plans for deepening the bloc's single market for telecommunications. The meeting should help the Commission **get signs of support** for a rapid agreement on the proposal.

Open Internet

EU: Calls for tightening of Internet communication surveillance multiply

- The Paris attacks prompted calls for **stricter control of online communications**. On 11 January, Interior and Justice Ministers from several EU Member States (including France, Germany, Latvia and the UK) issued a **joint statement** calling on major **Internet providers to create a system** to quickly report and remove online material that aims to incite hatred and terror.
- **Rob Wainwright**, Director of Europol, underlined that the new generation of potential terrorists use the Internet in an aggressive and imaginative way. Mr. Wainwright highlighted that monitoring of what he called the dark net area of the Internet is an important endeavour.
- **French Prime Minister Manuel Valls** announced that France will **tighten surveillance of the Internet** for jihadist communication.
- On 12 January, British Prime Minister **David Cameron** proposed that Britain's intelligence agencies should have the legal power to **break into the encrypted communications** to help avoid terrorist attacks. He pledged to ensure there would not be any "no-go areas" on the Internet where terrorists can hide.
- Prime Minister Cameron said the aim of the future Conservative government will be to **deny terrorists safe space to communicate online**. This announcement came days after Director General of MI5 Andrew Parker warned that intelligence agencies are in danger of losing the ability to monitor dark places on the Internet.

- However, Deputy Prime Minister and leader of the Liberal Democrats **Nick Clegg** criticised Cameron's intervention, arguing that this announcement is a huge **encroachment on the freedom** of all British citizens.
- Overall, the **announcements of tighter control** of online communication were criticised, as Europe's answer to terrorist attacks is perceived as **greater Internet censorship**.
- **ISPA**, the UK's ISPs association, warned that **restricting** the use of encryption and encrypted communication, risks undermining the UK's business status. The association also recalled that existing legislation already allows interception of suspect communications, as well as data retention.

Turkey: Warning to all websites publishing leaked records

- In a **move** that is said to presage a possible new ban on Facebook and Twitter, Turkish authorities have warned that **all websites that publish alleged records related to an incident** of Turkish intelligence agency trucks **will be blocked**. A court issued a ban on the publication of news related to the incident.
- The country's Prime Minister or any cabinet minister has the authority to impose a gag order on the media for reasons of national security or when public order is likely to be broken.
- Reportedly, the two main social media platforms have already removed the contentious content.
- On 15 January, the **European Parliament adopted a resolution on freedom of expression in Turkey**, deploring the government's diminishing tolerance of public protest and critical media, including Internet-based social media and fora. It also noted that website bans are of disproportionate scope in the country.

Data protection

EU: ENISA publishes a report on Privacy and Data Protection by Design

- **ENISA**, the European Network and Information Security Agency, has published a **report on Privacy and Data Protection by Design**. The report is designed to bridge the gap between the legal framework and the technological implementation measures currently available. It provides an **inventory of privacy design strategies** and technical building blocks.
- One of the important elements identified in the report are the so-called **Privacy-Enhancing Technologies** (PETs), e.g. encryption or protocols for anonymous communications. ENISA underlined that for PETs to fully unfold their benefit for privacy and data protection, they need to be rooted in **data governance strategy**. Therefore, one of the aims of the report is to promote the discussion on how privacy by design can be implemented with the help of engineering methods.
- From the **policy-making perspective**, the report called on decision makers to support and promote the development of privacy friendly services, and invited **data protection authorities** to provide guidance and assess tools for privacy engineering. ENISA also underlined that **privacy** should be considered in the **standardisation process**.

EU: Article 29 WP highlights the importance of personal data protection

- In the wake of the terrorist attacks that occurred in Paris, the so-called Article 29 Working Party which gathers the EU Member States data protection authorities has issued a **warning** on spying programs under consideration that may harm individual liberties. The group stressed that new rules must strike the right balance between privacy and security.
- The authorities underlined the need to maintain **European common values and heritage**, of which the protection of private life and personal data is an essential part.

General

EU: Commissioner Ansip confirms Digital Single Market strategy will be ready in May

- European Commission Vice-President for the Digital Single Market **Andrus Ansip** confirmed plans of launching a new **digital strategy** this spring.
- He noted that his role is to steer and coordinate the work of the **Digital Single Market team** and stressed that **building trust and confidence** is vital for the creation of a properly functioning digital market. In policy terms, this would translate into improved **consumer rights, data protection and cyber security**.

France: Draft digital law to be presented in H2 2015

- **Axelle Lemaire**, French Secretary of State for Digital Affairs, said that a **draft of the digital law** is expected to be **presented in H2 2015**. The consultation conducted by the National Digital Council will end on 4 February. The council will submit its report to the government by the end of February.
- Considering that the **European Commission will also present its digital single market strategy** (May), France will finalise its bill after the EU's strategy presentation.
- CNIL, the French data protection watchdog, has published its **comments** on the ongoing drafting of the digital law. **Isabelle Falque-Pierrotin**, President of CNIL, noted that the bill needs to consider the fundamental principles of data protection.