

ISOC European Regional Bureau Newsletter

24 – 30 January 2015

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Data protection

EU: Conclusion of the EU Data Protection reform is crucial

- In a **statement** published on the occasion of the **9th European Data Protection Day** (28 January), Vice-President **Andrus Ansip** in charge of the Digital Single Market and **Justice Commissioner Věra Jourová** underlined that EU citizens are waiting for **data protection rules to catch up with the digital age**. Noting that new emerging technologies have enormous potential for society and the economy, they underlined that the potential can only be realised if people can **trust personal data usage**.
- For the 10th edition, the Commissioners are confident that they will be able to say that the **EU rules remain the global standard** in personal data protection.
- The **Latvian Presidency** committed to build consensus to achieve a **general approach** on the proposed Data Protection Regulation by the end of its mandate **in June 2015**. The Commission is **pushing** for a complete agreement between Council and Parliament before the end of this year.

EU: A data protection strategy will be launched in March

- On 28 January, **Giovanni Buttarelli**, the European Data Protection Supervisor (EDPS), **stated** that against a backdrop of mounting tension on data issues between the EU and the US, the EU is to seek a global voice in the privacy debate.
- The EDPS will work on positioning the **EU as the leading authority** in respect of data and privacy protection by closely cooperating with international interlocutors.
- Reportedly, **US tech companies have been lobbying for data issues** to be included within the proposed transatlantic trade deal (**TTIP**). However, considering that for example the US-based cloud computing companies account for 85% of the global market, the EU insists on keeping the topic off the talks.
- Giovanni Buttarelli said that in **March**, his office will launch a **new strategy document** covering the next five years.
- To address the question of ethics, the **EDPS intends to create an advisory body** dealing with ethical considerations relating to data protection. Among others, the new body will consider the **issue of data retention through big data**, as large digital datasets are extensively being analysed using computer algorithms.

EU: German privacy watchdogs discuss scrapping Safe Harbour

- On 28 January, **German Data Privacy Commissioners met** in Berlin for their annual conference. One of the main topics on the agenda was whether the **Safe Harbour agreement** should be scrapped. The **regulators are concerned about the lack of reform** that followed revelations that the NSA was collecting German citizens' data.
- **Berlin Data Protection Commissioner Alexander Dix underlined** that privacy watchdogs have to review the preconditions for any data transfer and may seek to prevent some information exchanges.

- German Federal Commissioner for Data Protection and Freedom of Information **Andrea Voßhoff** called upon the European Commission to take a more consistent approach when it comes to the negotiations with the USA on Safe Harbour. The federal Commissioner stated that if, in the foreseeable future, a solution that appropriately takes into consideration the fundamental rights of European citizens is not found, the **Commission should not exclude a suspension or a cancellation of the Safe Harbour** agreement, and not start negotiations on a new agreement. Such a failure would lead to substantial economic consequences, the Commissioner added.

Safety

EU: In combatting terrorism, cooperation with Internet players will be strengthened

- At the **informal Justice and Home Affairs Council** that took place in Riga on 29 January, EU Home Affairs **Commissioner Dimitris Avramopoulos** stressed that the Commission will continue supporting Member States in preventing and addressing radicalisation and extremism.
- Commissioner Avramopoulos highlighted that last year the Commission proposed to establish a **forum with key Internet players** where the challenges posed by online terrorist propaganda would be discussed. The Commissioner said that there are plans to enhance the existing cooperation with the Internet industry and to strengthen the commitment of social media platforms to reduce illegal content online.
- In order to develop concrete workable solutions, dialogue with EU institutions, Member States, the Internet industry and civil society will be deepened.

Net neutrality

EU: The Netherlands penalises net neutrality breach, Madelin upholds principle of zero rating

- Speaking at Orange's *Rendez-vous 2015*, that took place in Brussels on 27 January, **DG Connect Director General Robert Madelin** stated that the so-called **zero rating is acceptable** as long as customers are fully informed. The comment came after the Dutch regulator imposed fines totalling €450,000 on KPN and Vodafone Group for bundling Internet connectivity together with specific web services.
- While the EU aims to target unfair practices, it also allows innovation, which includes zero-rating, the Director General stated.
- There are **three main types of zero rating**: Telecom operators reselling a web service alongside connectivity; a specific service used without eating into the maximum amount of data that a customer has paid for, and the third type used mainly in developing countries, which allows users to access to only a subset of basic web services for free, or a low fee.

EU: Telecoms operators oppose stricter rules on traffic management proposed by the Presidency

- **European telecommunications operators** voiced their **concerns over a proposal** made by the Latvian Presidency which **would reduce their capacity to manage different types of traffic** as they deem necessary.
- Four associations of telecoms operators (ETNO, GSMA, Make the NetWork and Cable Europe) signed a letter on 26 January, claiming that rules which would force them treat all kinds of traffic equally will not be feasible. They added that strict **non-discrimination would negatively impact consumers** and innovation in electronic communications.
- The **Latvian proposal suggested only four exceptions** allowing a deviation from the equal treatment of traffic: a legal provision or court order, the preservation of network security, exceptional network congestion and explicit end-user request for justified reasons such as parental control.

Open Internet

Turkey: New amendment to Internet law increases state power to block websites

- The **Turkish government** introduced this week a **new amendment** to the nation's Internet law, which extends the government's power to censor content online. The amendment will enable the executive (including the Prime Minister) to order the blocking of content if it poses danger to maintaining public order, individuals' security and their property.
- The introduction of the amendment was followed by a **public acknowledgement** by Facebook that it has censored around 1.900 Facebook entries in Turkey after complaints by national authorities. The Turkish ICT department was responsible for the majority of these complaints. According to the authorities, the content insulted Islam and defamed high level government officials.
- The increased incidence of censorship on social media platforms triggered the reaction of two Turkish academics who sent a **legal notice** to Twitter urging it to stop blocking accounts following government orders. The two academics had also protested against government moves to ban Twitter and YouTube in March 2014.

Cybersecurity/Data protection

EU: 2014 was the year of massive data breaches, ENISA report says

- Massive cyberattacks leading to equally massive **data breaches changed the way European businesses and regulators viewed cybersecurity in 2014**, said a report published by the European Network and Information Security Agency (ENISA) on 27 January.
- According to the annual **threat landscape** report, governments and private actors are now coordinating more effectively and collecting more valuable information on cyberattacks. However, as law enforcement effectiveness increases, so does the **ability of cybercriminals to adapt**, altering the nature of threats to which the European industry is exposed, the agency noted.
- ENISA suggested accurate threat analysis and less complacency by companies' security management structures as an appropriate response to growing cyber threats in the EU.

Digital Single Market

EU: Working group on Digital Single Market to steer Parliament's work

- **MEP Róża Thun** (EPP, Poland), will lead the newly established **Working Group of the European Parliament on the Digital Single Market**. The aim of the group, which will officially start working on 2 March, is to **identify the key barriers** to the completion of a single market and work towards **unleashing its potential**.
- The recent Parliament's study on ***The Cost of Non-Europe in the Single Market*** highlighted that the completion of the Digital Single Market could generate additional GDP growth of 0.4% over the period up to 2020 (€520 billion in 2014 prices) and create over 223,000 jobs by 2020.

EU: List of initiatives in the Digital Single Market strategy to be drawn up by 25 March

- Commission Vice-President Ansip will finish drafting a list of policies to go in the upcoming Digital Single Market strategy by **25 March**. The list will be discussed by the College of Commissioners before being adopted on 6 May.
- Considering the wide remit of the issues to be covered by the strategy, altogether 12 Commissioners (on the Digital Economy, the Internal Market, Taxation, Justice etc.) will provide their input.
- Speaking about the draft, Commissioner Ansip **stated** that the strategy should **not become a catch-all document** which will not be able to bring substantial change to the current state of play. Instead, the document needs to be **as targeted as possible**.

- The new measures are likely to include the expected **review of EU telecoms rules, consumer protection online, taxation of the digital economy, intermediary liability**, as well as a procedure for **notice and take down of illegal material** hosted by online platforms.
- Before being published, the new strategy must also be approved by Commission Vice-President for Better Regulation, Frans Timmermans and the College of Commissioners.
- Commissioner Ansip invited all stakeholders to join the **#Digital4EU** conference that will take place in Brussels on **24 February**. The event should enable the Commission to gather input on how the EU's digital future should look like.