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Net neutrality

EU: Presidency presents Connected Continent consolidated text in preparation of informal trilogues

- In view of the preparations for informal trilogues, the **Latvian Presidency** presented an amended **consolidated version** of the **Connected Continent proposal**. The Presidency noted that net neutrality is one of the outstanding issues.
- As it stands, the law would **ban broadband operators from discriminating** between applications, content or services carried over their networks.
- MEP **Pilar Del Castillo Vera** (Spain, EPP), the Rapporteur on the dossier, expressed her optimism about reaching a deal with national governments on the proposal. Nevertheless, she noted that the distance between the Parliament and the Council remains big.
- The Latvian **Presidency expects to receive a mandate to negotiate a final text** with Del Castillo in the coming weeks.

Digital Single Market

EU: Stalemate on online platforms regulation

- EU Member States have not been able to find consensus with regards to the **regulation of online companies**. The stalemate has left the EU business ministers set to **request a formal analysis of online platforms' role in the economy** and whether policy needs to be developed to match this analysis.
- The latest version of the **draft conclusions of the EU Competitiveness Council** (2-3 March) is very similar to the original draft that caused controversy among countries opposing regulation of online platforms (Denmark, Lithuania, Luxembourg, the Netherlands, Sweden and the UK) and the necessity to assess the need for a specific policy.

EU: UK minister calls for an ambitious digital market plan

- Speaking at an event on the EU in a Digital Age (Copenhagen, 25 February), the UK's undersecretary of state for intellectual property baroness Lucy Neville-Rolfe, stressed that in building the Digital Single Market the **EU needs to be ambitious**.
- Commission's upcoming strategy, which should involve targeted changes based on the best available evidence, needs to be based on a solid understanding of technological and consumer trends, with its cost carefully assessed, Neville-Rolfe stated.
- The undersecretary added that an ambitious plan would enable the EU to catch up with Silicon Valley.

Data protection

EU: Facebook warned its terms of use breach data protection rules

- The **VzBv**, an umbrella organization for 41 German consumer associations, **warned Facebook** that it may **face a lawsuit over data protection** if it does not change its terms of service. According to the consumer group's assessment, 19 clauses in Facebook's updated terms and policies violate German law. The main issue at stake is the use of data for advertising purposes. The organisation received **support from German Justice Minister Heiko Maas**. The company has until **16 March** to respond.
- Separately, a **report** commissioned by the **Belgian Data Protection Authority** also concluded that Facebook's updated terms violate EU privacy rules.

EU: Data privacy regime offers foothold to advance local tech firms globally

- Speaking at the **Digital4EU Stakeholder Forum** that took place in Brussels on 24 February, EU Digital Economy and Society Commissioner **Oettinger criticised US tech companies for exploiting legal loopholes** in the EU to collect and monetize personal data.
- The remark was perceived as underlining concerns that the EU policy circles have about the **power of US tech companies** and which they would like to address in the upcoming Digital Single Market strategy.
- A new data protection regime could **establish a de facto global standard**, as it is the Commission's belief that most users would choose platforms that guarantee more privacy protections.
- While the new EU Data Protection Regulation is still under discussion, privacy lawyers said that the proposed data processing requirements would translate into re-engineering of data collection processes.
- **James Waterworth**, Vice President for the Computer & Communications Industry Association, commented saying that Commissioner Oettinger seems to believe that the digital single market should be used as a weapon against foreigners.

EU: Commission considers data markets regulation

- **Robert Madelin**, Director General of DG Connect, stated that as the **gathering of personal data becomes another vector for monopoly power**, regulators could be obliged to intervene.
- The comments followed a similar announcement made **by EU Competition Commissioner Vestager** who stated that considering the growth of online markets and Internet services, her department will increasingly look into the **power wielded by firms owning important amounts of personal data**.

Safety/Open Internet

EU: France to drive efforts to establish an online code of behaviour

- At his meeting with leaders from Apple, Google, Facebook and Twitter in Silicon Valley last week, **French Interior Minister Bernard Cazeneuve** draw attention to the necessary **rapid withdrawal** of content inciting terrorism.
- Bernard Cazeneuve, who was very satisfied with his visit, insisted that this could not be achieved without a **relationship of trust** with the managers of the largest Internet platforms.
- The Minister invited the US stakeholders to a **meeting in Paris in April** in order to develop a **code of good behaviour**.

Cybersecurity

EU: ENISA concludes CyberEurope 2014

- On 25 February, the European Network and Information Security Agency (ENISA) organised an event **concluding** its pan-European cybersecurity exercise **CyberEurope 2014**. The participants discussed and reviewed the cyber crisis management mechanisms available at a national and European level.
- The next exercise, Cyber Europe 2016, will build upon the experience from Cyber Europe 2014.

Copyright

EU: Commissioner Oettinger says EU could put together copyright revamp by midyear

- Commissioner Oettinger stated that a first **draft of legislation** designed to update EU copyright rules could be **ready by mid-year**.
- Copyright reform is one of the Commission's priorities as the current framework is perceived as a barrier to the creation of an EU-wide market for online services and content.
- **Roberto Viola**, Deputy-Director General at DG Connect, explained that the Commission does not seek to reform the whole **2001 Copyright Directive**, but concentrates on problems resulting from the current law.
- Commission **Vice-President Ansip** underlined that EU citizens should not face **geoblocking** and be able to access web content in any EU Member States. **Maria Martin-Prat**, head of the Commission's copyright unit, said that the Commission is mainly discussing territorial restrictions on copyright licenses.
- However, during a discussion on a report on the EU 2001 copyright law drawn up by **MEP Julia Reda** (Greens, Germany), several members of the Parliament's **Legal Affairs Committee** warned that a ban on geoblocking would **represent an advantage for US companies** and threaten EU's cultural diversity. **MEP Constance Le Grip** (EPP, France) stated that a ban on geoblocking would favour the bigger players; **MEP Mary Honeyball** (S&D, the UK) added that the EU market is already overloaded with American products. **MEP Virginie Rozière** (S&D, France) highlighted that the reason to limit territorial access is not based on copyright reasons but on cultural diversity.
- Reacting to the comments, MEP Reda stated that preventing people from accessing works from other countries did in no way protect EU's cultural diversity. Her report should be put to a vote in the Parliament during its full sitting in May.

EU: Commissioner Oettinger suggests Spanish judges can refuse to enforce Google tax

- Responding to a **question** of four Spanish MEPs [Javi López (S&D), Ernest Maragall (Greens/ALE), Josep-Maria Terricabras (Greens/ALE), Ernest Urtasun (Greens/ALE)] with regards to the new Spanish legislation on the aggregators' levy, Commissioner Oettinger **stated** that Spanish judges can refuse to enforce a new copyright measure, so-called **Google tax**, if they conclude that the instrument should have been scrutinized by the European Commission.
- The new measure came into effect on 1 January, requiring aggregators to pay fee for displaying a snippet of content from Spanish news publishers.
- The Commissioner said that the Commission has not taken a formal position on whether Spain followed procedures requiring Member States to notify domestic regulation to Brussels in order to ensure EU legislation compliance.

General

EU: Commission presents DESI, the Digital Economy and Society Index

- On 24 February, the European Commission presented the **Digital Economy and Society Index (DESI)** which combines over 30 indicators and uses a weighting system to rank each country based on its digital

performance. The Commission branded the index as the **analytical tool** providing material for the rollout of the Digital Single Market strategy.

- **Denmark ranked first** with the highest performance score, whereas Romania obtained the lowest.
- The index revealed that in 2014, **75% of European used the Internet on a regular basis**, an increase of 3% compared to 2013. The eagerness of European to access audiovisual content online was also confirmed, as 49% of Europeans who use the Internet have played or downloaded content.
- The report also pointed to some of the challenges: only 15% of SMEs offer e-commerce services and only 50% of those sell online across borders.
- The index also provides country-specific snapshots of connectivity, Internet skills, use of online activities from news to shopping, how key digital technologies (e-invoices, cloud services, e-commerce, etc.) and digital public services such as e-government and e-health are developed.