

ISOC European Regional Bureau Newsletter

1 – 7 August 2015

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Cybersecurity

EU: Presidency promotes a lighter approach for digital service platforms

- According to **reports** on a paper by the **Luxembourg Presidency**, digital platforms will fall under the remit of the proposed **Network and Information Security Directive (NIS)**, albeit with **less onerous security obligations**.
- A firm that will meet the law's definition of a **digital service platform**, which is still under discussion, would fall within the Directive's scope. This would avoid Member States taking different approaches which could eventually translate into market fragmentation.
- In cases of **security breaches**, Internet firms will be subject to notification requirements. It is not yet clear whether these should be mandatory or voluntary.
- The paper asked **Member States to express their preferences at a meeting in September**, after which drafting of a full legal text will start.
- The German Internet industry association **eco** welcomed the Commission's intention to promote an EU-wide harmonisation of IT security obligations, but **warned against the inclusion of all web services**, stating that they could not all be considered critical infrastructure. Instead, eco advocates for a precise and concrete definition of the scope and a **differentiated risk-based approach**.

Copyright

Germany: Court to rule whether Internet providers will be required to block sites with illegal content

- The **German Federal Court of Justice (BGH)** **debated** whether Internet access providers should in future **block websites containing illegal content** from third parties. The lawsuit was filed by GEMA, the German music royalty collection society, against Deutsche Telekom. The society demanded the blocking of a website which hosts a collection of copyright protected music. Previously the Higher Regional Court in Hamburg had dismissed the case.
- Commenting on the case, Oliver Sümé from eco stated that until now the legal situation has been that **the provider was generally not liable for legal infringements on the Internet**. According to Sümé, it makes no sense to force the providers into the role of auxiliary police. Furthermore, the technical procedures required for the monitoring and filtering of the data traffic of users are in contravention of the Secrecy of Telecommunications and the Data Protection Act, Sümé wrote.
- The decision of the Federal Court is expected on **26 November**.

Data protection

EU: Safe Harbour reform talks enter their final stage

- Negotiations on a **reform of the Safe Harbour agreement** are reportedly entering their **last phase**. The European Commission has been negotiating with the US to reform the commercial data-sharing deal

following revelations of mass US surveillance practices.

- Under the new deal, **companies registered in the US will face stricter rules** when **transferring data to third parties**. Also, both sides will be allowed to monitor Safe Harbour's functioning.

Digital Single Market

EU: DSM is a growth opportunity for both sides of the Atlantic

- In an opinion piece published in EurActiv, **US Secretary of Commerce Penny Pritzker** wrote that US administration and tech companies are watching EU policies to **make sure the Digital Single Market strengthens EU-US business relations**.
- "Although the US and the EU have a history of cooperation and share values that have shaped the rules of the global economy, when it comes to digital economy standards, the partners are faced with a choice. Either to approach the digital economy with a shared vision, or take diverging paths that would make both sides less competitive". According to Pritzker, the Digital Single Market Strategy provides an opportunity for the EU to take action that would **demonstrate an open approach**.
- A Digital Single Market that facilitates the flow of information and services will illustrate that an open Internet is essential to 21st century competitiveness, Pritzker wrote.
- The article's publication follows Pritzker's recent visit to Brussels. Commenting on her visit, Pritzker said that while **concerns remain**, she left optimistic that the **US and the EU have unified goals for their engagement in the digital economy**: their businesses want to increase productivity; local governments want to increase their efficiency; workers want jobs in growing industries; and people want more applications and greater consumer choice.

Security

EU: EDRi criticises the absence of human rights organisations from EU Internet Forum preparations

- Upon EDRi's request, the European Commission shared some information about the **set-up of the EU Internet Forum**. Its establishment was requested by the Council of the European Union earlier this year to support Europol's work on the fight against terrorism.
- The Commission revealed that it organised **two meetings** (27 May and 24 July) to prepare the official launch of the EU Internet Forum scheduled for the end of the year. The companies present were invited to discuss **challenges and scope of engagement in countering online terrorism activity**. Among its activities, the forum is expected to organise **awareness-raising activities** for Member States, training sessions and workshops.
- EDRi **said** that despite the fact that the **European Agenda on Security** initially announced the launch of this forum with IT companies to bring them together with law enforcement authorities and civil society, civil society does not participate in the preparations.

General

UK: Smartphones have overtaken laptops as the most popular device for getting online

- The Independent regulator and competition authority for the UK communications industries' (Ofcom) **2015 Communications Market Report** found that 33% of Internet users see their smartphone as the most important device for going online, compared to 30% who use their laptop.
- The research revealed that people in the UK spend almost twice as long online with their smartphones than on laptops and personal computers. Two thirds of people now own a smartphone, using it for nearly two hours every day to browse the Internet.
- Last year, 22% of people said they turned to their phone first when they wanted to go online, versus 40% who opted for their laptop first. According to Ofcom, the switch of preference is due to the rollout of 4G, which makes mobile surfing a speedier experience.

- **ISPA**, the Internet Services Providers' Association, welcomed the fact that Ofcom's latest research also showed that broadband speeds have increased on average by 36% a year and that 30% of all connections are now superfast, confirming that investments made by ISPA members continue to deliver faster broadband at more affordable prices.