

ISOC European Regional Bureau Newsletter

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Net neutrality

EU: Net neutrality rules come into force, organisations call BEREC to promote strong guidelines

- Following last year's adoption of the **Regulation** laying down measures concerning open Internet access ([EU 2015/2120](#)), the **EU net neutrality rules officially came into force** on 30 April.
- The **Body of European Regulators for Electronic Communications** (BEREC) has been tasked with defining guidelines on the subject. The draft text of the **guidelines** will be published for public comment on **6 June**. The adoption of the paper is expected in early autumn.
- A group of **73 organisations from 31 countries** sent a **letter** to BEREC asking it to **uphold net neutrality** and **provide strong guidelines**. The letter calls for a careful consideration of specialised services, confirmation that zero rating is prohibited, and a clear statement opposing intrusive traffic management which could restrict Internet users' privacy.

Data protection

EU/US: TTIP will not lower consumer protection, reiterates the Commission following a leak

- Information included in documents on **Transatlantic Trade and Investment Partnership** (TTIP) negotiations, which were made public by **Greenpeace** on 2 May, is raising privacy concerns, European Digital Rights (EDRi) **argued**. According to EDRi, the documents demonstrate a drive towards **deregulation** and **law enforcement by private companies**.
- Commenting on the leak, **EU Trade Commissioner Cecilia Malmström** said that the documents only reflect negotiating positions, not an outcome. The Commissioner **reiterated** that no EU trade agreement will ever lower the level of **consumer protection in the EU**.

EU: European Ombudsman expresses concerns with regards to the Privacy Shield

- In a **letter** to **EU Justice Commissioner Jourová, Emily O'Reilly**, European Ombudsman, **reiterated her concerns** with regards to the **EU-US Privacy Shield**, highlighting the **vagueness of the role of the proposed ombudsperson**. O'Reilly stressed that her primary concern is to ensure that the term ombudsman is not used by authorities which do not enjoy the requisite standard of independence as this would jeopardise the public's trust in the institution.
- O'Reilly already drew **attention to the ombudsperson's independence** in February, when she addressed the first letter to Commissioner Jourová on the use of the term ombudsperson for the new complaint-handling office under the Privacy Shield. In her **response**, the Commissioner noted that the Privacy Shield ombudsperson's role might not fit into the traditional definition of a watchdog. However, Jourová did ensure that the **Privacy Shield ombudsman will be sufficiently independent** from the US intelligence community.

Note:

On 4 May 2016, the text of the General Data Protection Regulation was published in the EU Official Journal in all the official languages. The Regulation will enter into force on 24 May 2016, and shall apply from 25 May 2018.

Security

EU/US: EU counterterrorism officials deplore US laws and corporate policies hampering access to data

- Slow and cumbersome processes of getting **access to data stored by US-based social media firms** are **hampering the efforts of European counterterrorism officials**, *Wall Street Journal* **reported**. Belgian Justice Minister **Koen Geens** stated that while the level of cooperation differs from provider to provider, it generally remains unsatisfactory.
- The question whether technology companies should recognise the authority of foreign courts that make cross-border demands for data has been revived by the Paris and Brussels terrorist attacks. Microsoft's Chief Legal Officer **Brad Smith** has long argued that firms should follow the legal process of the country in which the data is stored, not the process of a country which is demanding data.

The Netherlands: Leaked updated draft of surveillance bill criticised

- Privacy organisations **criticised** a leaked updated draft of a bill which aims to update the country's **Intelligence & Security Act** of 2002. The fact that the proposal is deemed to grant Dutch secret services the power to **carry out bulk interception of communications** is among the main points of concerns raised.
- A public consultation on the proposal finished in September 2015.

General

France: Proposed Digital bill gets Senate's backing

- With 323 votes in favour and 23 abstentions, the **French Senate adopted the proposed Digital bill** on 3 May. The senators made 155 amendments during a week of debate which preceded the vote.
- The bill which was adopted by the French national assembly in January provides **measures designed to accelerate broadband deployment** and simplify the rollout of new fixed and mobile quality networks. It also sets up a **citizens' right to fiber-optic connections**. The bill also includes a **provision on net neutrality** and guarantees the **confidentiality of electronic communications**.
- **Axelle Lemaire**, State Secretary in charge of Digital, welcomed the constructive approach that prevailed during the proposal's examination. However, Secretary Lemaire **deplored Senate's cautious approach** to opening access to public authorities' data pointing to the new limitations imposed on the proposed by-default opening. Lemaire also said that the Senate's text imposes **new constraints on online platforms** which could **harm the development of digital economy in France**. The bill will now go back to the assembly for final approval.

EU/Germany: Commission has until 10 May to decide on Bundesnetzagentur proposal

- The European Commission has until **10 May to decide** on a new regulation proposed by Germany's telecom regulator, *Bundesnetzagentur*, which would allow **Deutsche Telekom (DT)** to exclusively use **vectoring technology** to speed up Internet connections.
- A day after the *Bundesnetzagentur* notified the Commission about its proposal, a group of **thirteen MEPs** called on Commissioner Oettinger not to approve the rules. According to the latest reports, the Commissioner is likely to opt for a **three-month inquiry period** to properly assess the proposal.
- DT's competitors argued that the proposed rules effectively hand DT a monopoly, as it owns most of the copper cable network, and that the **use of vectoring technology would delay the transition to glass**

fibre networks. DT argued that **vectoring currently provides the only affordable way** to provide high-speed Internet.

- The German federal government is under pressure to deliver on its promise to have a minimum speed of **Internet connection at 50 megabits per second by 2018.** Nowadays, the average Internet connection speed in the country is at around 12 megabits per second.

Global: G7 ICT Stakeholders Conference

- Leaders of **G7 countries** and **tech industry representatives** met on 29-30 April in Takamatsu-shi, Kagawa (Japan) in order to discuss **global ICT policy challenges.** **Commission Vice-President Ansip** led the EU delegation and presented his views on a Digital Single Market that adapts to the global digital age.
- Connectivity, cybersecurity, Internet of things, Internet governance, and free flows of data were among the topics discussed during the meeting which will pave the way for discussions at the **G20 Leaders meeting in Hangzhou**, China in September.