

ISOC European Regional Bureau Newsletter

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Cybersecurity

EU: Council of the European Union formally approves the Network and Information Security Directive

- On 17 May, the **Council** of the European Union **formally adopted** the **proposed Network and Information Security Directive (NIS)**. The approval took place without discussion as the EU institutions reached a deal on the Directive in December 2015.
- The NIS Directive aims to increase cooperation between Member States on cybersecurity and lays down obligation for operators of essential services, including **providers of cloud services**. The Directive requires each Member State to designate a national authority and put in place a strategy for dealing with cyber threats.
- The Directive now goes to the **European Parliament for final approval**. It is expected that the legislation will **enter into force in August**. The EU Member States will have **21 months to implement the new rules**.
- G7 leaders will meet in Japan on 21 May in order to join efforts against cyberattacks in finance.

Digital Single Market

EU: Communication on collaborative economy expected on 1 June

- In a chat with *Politico*, **EU Internal Market Commissioner Elżbieta Bieńkowska** confirmed that the European Commission plans to **release a communication on collaborative economy on 1 June**.
- The Communication that will address services which use online platforms to facilitate transactions was reportedly scheduled for 25 May, together with the Commission's communication on online platforms.

EU: Council general approach published on the proposal to ensure cross-border portability of online content

- The Council published on 18 May a **general approach** on the Proposal for a Regulation ensuring the **cross-border portability of online content** services in the internal market.

UK: Digital Economy bill

- The UK government unveiled plans to design a new **law to boost the digital economy**.
- The digital economy bill will include measures to ease broadband services, safeguard minors from unsuitable content, protect intellectual property rights and improve the delivery of public services.
- The announcement was reinforced by the Queen's Speech on 18 May under "Delivering Security for Working People".

Net neutrality

The Netherlands: Parliament adopts amended net neutrality legislation

- The lower house of the Dutch parliament **approved** changes to the country's telecommunications law **adopting the EU net neutrality legislation**.
- While the EU legislation **prohibits Internet providers from differentiating between different types of traffic**, several exceptions can apply (e.g. to combat congestion). Under the amended Dutch law, the Ministry of Economic Affairs shall **set up specific rules for permissible methods** of combating network congestion and offering specialised services. The Dutch law **bans zero rating** and upholds that **price discrimination should be banned**.
- The parliament also passed two **motions**, calling on the government to clearly define the differences between communication services, Internet access services, specialised services and content services; and to look into **whether Internet access can be considered a utility service**.
- In a **press release**, European Digital Rights (EDRi) welcomed the vote stating that the vote is in line with the country's history of upholding strong net neutrality law.

Hate speech online

France: Organisations file complaints against social networks for failing to remove hateful content

- A group of **French civil rights organisations** (French Jewish students union UEJF and anti-racism and anti-homophobia campaigners SOS Racisme and SOS Homophobie) announced on 15 May that they will **file legal complaints against Facebook, Twitter and YouTube**.
- Between the end of March and 10 May, the organisations counted over 580 examples of hateful content. According to the complainants, the social networks in questions **failed to remove hateful content** as Twitter removed only four percent of the incriminated content, YouTube seven percent and Facebook 34 percent. In France, **removal** of anti-Semitic, homophobic and racist content from websites is **required by law**.
- In Germany, an agreement was found last December to remove hate speech from Facebook, Google and Twitter within 24 hours.

Right to be Forgotten

- **Google appeals** before France's highest court after the CNIL orders it to apply the right to have personal information removed from its search engines **globally**.
- On 19 May, Google declared its fears for free speech and considers the ruling could lead to abuse by "less open and democratic" countries.
- In a **blog** which was also published in Le Monde, Google said it had already received requests from countries to block content worldwide that was illegal locally.

Privacy Shield

- The European Parliament will debate on **Wednesday 25th** the privacy shield and the **vote** is expected to be held on **Thursday 26th**.
- National representatives from the Article 31 Committee met in Brussels on 19 May to receive an update from the Commission on the process of the EU-US deal on the flow of data.

AVMS

- A leaked **Commission draft proposal** to amend the **Audiovisual Media Services Directive** includes the possibility for Member States to require streaming services to contribute to the creation of European works. The proposal is due to be put forward by the Commission on Wednesday 25th.
- The proposal includes revised limitation on advertising spots, proposes quotas on European works, and measures to further protect children from harmful advertisement.

General

EU: Commission's DG Connect to be reshuffled

- According to a **leaked diagram**, the European Commission is readying a **reshuffle of its Directorate-General Connect**. The new structure is expected to be approved on 25 May.
- The creation of a **new unit dedicated to e-commerce and online platforms** and the **split of Media & Data directorate** into two separate arms are among the upcoming changes. As for the expected appointments, the leak indicated that **Giuseppe Abbamonte** will take over the new Directorate I, 'Media policy', which will oversee copyright reform. DG Connect's principal adviser **Linda Corugedo Steneberg** is to head Directorate D, to be renamed 'Policy strategy and outreach'. A new unit responsible for the Internet of Things is to be headed by **Mechthild Rohen**.
- French EPP MEP **Philippe Juvin** is to become a rapporteur for Internet platforms. The issue will be discussed in the coming months at the IMCO committee after the Commission releases its communication on 25 May.
- The current unit 'Broadband' will be renamed 'Investment in high-capacity networks', a move which indicates that the Commission will step up its focus on investment in broadband infrastructure and networks.

France: promotion and loyalty programs in online advertising

- The French Competition Authority will start an inquiry on Monday related to the use of data and antitrust rules on how promotions and loyalty programs are used in online advertising.