

ISOC European Regional Bureau Newsletter

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Privacy Shield

EU: European Commission adopts Privacy Shield

- On 12 July, the European Commission **adopted the EU-US Privacy Shield**.
- Andrus Ansip, Commission Vice-President for the Digital Single Market, and Věra Jourová, Commissioner for Justice, Consumers and Gender Equality, consider the agreement creates a **robust framework** to protect personal data and ensure legal certainty for businesses.
- The Privacy Shield will establish strict obligations on companies handling data, and will create clear limitations, safeguards and oversight mechanisms regarding US government access. The scheme will benefit from several accessible and affordable dispute resolution mechanisms and an annual joint review mechanism will be put in place to monitor the functioning of the Privacy Shield.
- The adequacy decision was notified to Member States and **entered into force on 12 July**. Once US companies are given the chance to review the framework and have ensured compliance, they will be able to certify with the US Department of Commerce starting 1 August.
- The European Commission will publish a guide for citizens providing further details on the available remedies in case of personal data breach. On 25 July, the Article 29 Working Party will review the final text and provide a merely advisory and non-binding assessment.

EU: 4 countries abstained last Friday from the privacy shield vote

- **Austria, Bulgaria, Croatia and Slovenia did not approve** the data transfer mechanism on 8 July. Austria had reservations about the deal since the beginning, Slovenia and Croatia aligned with Austria, while Bulgaria did not receive the green light for approval back home.

Copyright

EU: Creative industries urge European Commission to find solution to enable a fair sharing of value on the Internet

- A joint **letter** signed by over 1,000 creators was sent to President Jean-Claude Juncker on 11 July asking for a meeting to express their views in order to ensure that the **forthcoming copyright proposal takes into account their needs and interests**.
- In December 2015, the European Commission proposed a first copyright measure allowing consumers to use digital content when they travel across, so long as it is accessed legally.
- A further copyright reform measure will be presented in September 2016. The proposal was initially scheduled for spring 2016 but has been delayed.

EU: Google privacy report receives opposition from the copyright industry

- Google's report entitled How Google Fights Piracy notes it has created more than \$2bn for content owners via YouTube's piracy-tackling Content ID tool.
- However, representatives from the music industry such as BPI, the UK's recorded music industry, were critical of the findings, and stating Google is one of the **"key enablers of piracy on the planet."**

Cybersecurity

EU: Heads of State and Government issue a commitment to enhance resilience at NATO meeting

- After two days of meetings on 8-9 July at the **NATO summit**, Heads of State and Government published a joint commitment to enhance its overall **resilience to external threats, including cybersecurity**.
- Members committed to strengthening the protection of national infrastructure and networks against the threat of cyber-attacks. A **Cyber Defence Pledge** was made which aims to ensure NATO is able to react to cyber threats as they develop.

EU: "Perspectives on transatlantic cooperation: Cybersecurity and cybercrime" and "Digital Economy"

- The European Parliament has published a briefing on the field of both cybersecurity and the digital economy as part of a broader research project on the perspectives on transatlantic cooperation on a series of different topics

EU: Friends of the Presidency Group on Cyber Issues will meet on 22 July

- Amongst the items on the agenda will be the Commission Communication on Cyber Resilience and on implementation of the EU Cybersecurity Strategy.

Digital Single Market

EU: European Commission publishes synthesis on the self and co-regulation discussions

- The European Commission published the report after the **7th Plenary Meeting on Community of Practice for Better Self and Co-Regulation** held on 24 June 2016. Amongst the discussion was the use of self and co-regulation in the **Audiovisual Media Services Directive**, in the EU policy approach to **online platforms** and fight against the misuse of **intellectual property rights**.

Data Protection

EU: Microsoft wins privacy case

- A ruling by a US court declared US government **cannot force Microsoft to give authorities access to the company's servers located in other countries**. This decision could set a precedent for the protection of privacy of cloud computing services. It is still uncertain whether the Justice Department will appeal the ruling.

EU: Scripts ran by ad blockers may violate the e-Privacy Directive

- In response to a parliamentary question by Santiago Fisas Ayxelà MEP (ES, PPE), Commissioner Oettinger said **scripts ran by ad blockers may not comply with the e-Privacy Directive**, depending on the technology used to identify the use of an ad blocker.

UK: “Snooper’s charter” risks endangering journalists and their sources.

- On 11 July, the committee stage of the bill heard claims from peers that government’s **investigatory powers bill risks endangering journalists and their sources**. The legislation could allow video shots and further coverage to be remotely accessed by police or via phone microphones.

Netherlands: high fines on telecoms companies for not reporting breaches imposed

- The Dutch data protection authority doubled the fine (link in Dutch) it can charge a telecoms company for not reporting a data breach. Future fines could reach up to **€900,000** and follows the telecoms bill that entered into force on 1 July.

Other

EU: Google may have abused its dominance in internet shopping resulting in the restriction of competition

- The European Commission alleges **Google may also have prevented websites from publishing adverts from competitors**. This reinforces the claim that Google favours its own shopping services in search results.
- Google is already facing charges over an allegedly abuse of dominant position of its Android operating system.

EU: The European Commission publishes EU innovation scoreboard

- **The EU innovation scoreboard** places Sweden as the most innovative country in the EU, followed by Denmark, Finland, Germany and The Netherlands. Germany ranks the highest in private investment and Ireland is at the top of the list in innovation in SMEs.
- The European Commission asserted that, globally, the EU as a whole is catching up on rivals, with leading EU Member States on the same level as global leaders.