

## ISOC EUROPEAN REGIONAL BUREAU - EU issues overview

### 13-19 July 2013

#### *Net neutrality*

##### **Commission's leaked draft Regulation causes concern**

- The [leaked version](#) of the Commission's forthcoming proposed **Digital Single Market Regulation** has caused concern among German politicians due to its apparent lack of guarantees for net neutrality.
- **Economy Minister Philipp Rösler** has [said](#) that what he has seen is insufficient. He is sticking to his own plans to forbid ISPs from forging agreements with content providers to enable preferential access to their content.
- **MEP Jan-Philipp Albrecht** (Greens/EFA, Germany), who campaigns for 'citizens' rights in the digital age' has also [criticised](#) the draft. He has expressed concerns that standards of protection in national laws would be lowered by the Regulation, and claims that the draft text would legitimise Deutsche Telekom's much criticised plans to change its price-charging structure.
- **EU Digital Agenda Commissioner Kroes** has reiterated that the EU is to come forward with [rules ensuring net neutrality](#) as there are too many Europeans concerned that Internet services are blocked and throttled by **ISPs**. She does not consider data caps as a problem: as long as contract terms are clear, consumers can choose a service they see fit. She has also underlined that prohibiting ISPs from providing paid-for premium services could weaken the Internet sector and threaten its capacity to invest in networks and innovate.

#### *Copyright infringement*

##### **IPRs enforcement rules could be scaled back**

- The European Commission is said to be watering down the proposed **notice and take-down procedures** for content posted illegally online, according to MLex. The proposal should address the lack of transparency in the notice and action procedures identified by DG MARKT of the Commission in a [roadmap](#) published in mid-2012.
- The yet-to-be-published proposal is said to aim at securing legal certainty for users, platforms and right holders, establishing procedures when copyright owners notify web hosts that they are storing content without permission.
- **Copyright holders oppose the leaked proposal**, considering that the notice-and-action procedure is overly burdensome; **web hosting companies support** the proposal, welcoming the establishment of clearer guidelines.
- According to MLex, instead of a Directive, the European Commission would **put forward a soft law** in the form of a Recommendation.

#### *Data protection*

##### **Data flow rules should be included in transatlantic trade deal, says USA**

- On 12 July, the EU and the USA [concluded the first round of negotiations](#) of the Transatlantic Trade and Investment Partnership agreement (TTIP). The US Chief Negotiator called for the inclusion of **data flow rules** in the framework of the future agreement.
- While the EU negotiator confirmed the block's openness to the discussions on this matter, he also reiterated that the **EU will not accept any provisions weakening its data protection regime**.

- The [US data surveillance scandal](#) is being discussed aside from the trade negotiations. On 18 July, the EU Member States agreed the remit and composition of an [ad hoc EU-US working group](#) on data protection. The group is to hold its first meeting on 22-23 July in Brussels. The EU side will be co-chaired by the Commission and the Lithuanian Presidency of the Council.

#### **Prism scandal pushes leaders to support strict data protection rules**

- German Chancellor Angela Merkel has called for strict European data protection rules requiring **all ISPs to reveal information on storage and availability of data to third parties**. The main German consumer organisation, the **Verbraucherzentrale Bundesverband**, has made [similar calls](#). The issue of data protection has become a significant point of difference in the campaign for the German election in September, according to the *Financial Times*.
- Merkel has also called on the **UK and Ireland**, known for having less rigorous rules, to support the implementation of tougher EU data legislation.
- EU **Justice Commissioner Reding** has welcomed Merkel's call and underlined that only EU-wide privacy rules would ensure that **foreign companies operating in the EU** respect its data privacy provisions and give the EU a strong position in the transatlantic trade negotiations. In order to speed up the process, she has called for the European Council (heads of government) meeting in October to address the data protection overhaul.

#### *Open Internet/Data protection*

##### **France: After Court's order, Twitter discloses user's information**

- Following the [French court's rejection of Twitter's appeal](#), the company **has disclosed the credentials** of the authors of racist and anti-Semitic tweets. The case was brought to court last year by several associations that claimed that the incriminating pseudonymous **Twitter postings broke the French law against racism**.
- **Fleur Pellerin**, the French minister in charge of Digital agenda, welcomed [Twitter's cooperation with justice](#) stressing that the move does not question anonymity.

##### **Russia: Lawmaker calls for tougher data protection rules**

- Following the revelations on the US surveillance programme, a Russian lawmaker has called for [Google to align its privacy rules with Russian standards](#). Previously, a member of the pro-Putin party suggested that all Russian citizens' data should be kept on **Russian storage servers**.
- Both of the lawmakers cited Snowden's revelation of the US Prism programme as motivation for Russia to take better care of its Internet space. The move has been criticised as potentially **threatening the principles of open Internet**, reported *Russia Today*.

#### *Cloud computing*

##### **EU: Estonian President calls for the EU to rely on its own clouds**

- **Toomas Hendrik Ilves**, Estonian President and Chairman of the [European Cloud Partnership](#), who also appears to be positioning himself as candidate to be the **next Digital Agenda Commissioner**, has called for the [EU to be more self-reliant](#) and build its own cloud after revelations on US snooping.
- Currently, 95% of the cloud services used in Europe are provided by US operators, who do not guarantee adequate privacy and security, underlined Ilves. Ultimately, an EU-wide cloud initiative could **boost the European digital market**, he added, warning that such a move should not hamper the **openness of the Internet**.

- The EU should build its own cloud capabilities that ensure strong EU data protection rules, regardless the frustration of the US providers, said EU **Digital Agenda Commissioner** Kroes.

### *Cybersecurity*

#### **Financial operators exposed to higher cybersecurity risks**

- According to the recently published [working paper on cybercrime](#), which is the result of a survey conducted by the International Organization of Securities Commissions, the increasing number of attacks has led securities markets to consider **cybercrime as systemic risk**. Last year, 53% of global stock exchanges were attacked.
- The survey's participants have called for the **legislators to promote more effective regulation** to deter cybercriminals.