

ISOC European Regional Bureau Newsletter

26 October- 01 November 2013

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Data protection

“No” to the inclusion of data protection in transatlantic trade talks

- Representatives from the EU and the US met last week in Brussels to discuss whether **data protection provisions** should be included in the **negotiations on the EU-US trade deal**.
- EU Justice **Commissioner Reding** has warned against bringing this question into talks on the Transatlantic Trade and Investment Partnership (TTIP). Reding has underlined that data protection is not red tape and as such is **not negotiable**. Amid the revelations of the scope of the US surveillance, Reding’s cabinet recalled the controversies around the proposed ACTA (Anti-Counterfeiting Trade Agreement) and said that data protection is a **potential threat to the EU-US trade agreement**.
- **Ken Propp**, legal adviser at the US mission to the EU underlined that in any case, data privacy rules cannot operate in a discriminatory fashion.
- **Kostas Rossoglou** at BEUC, the EU consumers group, argued that data protection should not be included in the TTIP.

LIBE Committee’s surveillance inquiry leads to Washington

- A delegation of the European Parliament’s Civil **Liberties Committee is visiting Washington** this week to conduct an investigation into the alleged US surveillance activities in the EU.
- **MEP Claude Moraes** (UK, S&D) who is leading the Parliament’s inquiry into the surveillance, underlined that the visit is important for gathering all relevant information and evidence from US sources. During the meetings, the investigation will also address the question of the EU data protection framework overhaul and the possible suspension of the SWIFT agreement (SWIFT concerns the exchange of bank data between the EU and the US to help fight terrorism).

Parliament’s largest group demands termination of Safe Harbour

- The centre-right **EPP party**, the largest political group of the European Parliament has called for the EU-US data exchange agreement, the so-called **Safe Harbour**, to be terminated. Under the deal, American companies can voluntarily agree to a set of data-protection rules that allow personal information to be transferred from the EU to the US.
- **MEP Manfred Weber** (Germany) stated that the agreement as it stands now is **no longer viable**, as the US firms do not respect the deal’s provisions, and called for the renegotiation of the agreement.
- Some 3,000 US companies have signed up to the agreement. According to the revelations by the Parliament’s Civil Liberties Committee, **one in seven companies are said to lie** about belonging to the agreement.
- In a recent speech delivered in Washington, **Commissioner Reding** underlined that inter-operability and self-regulation is not enough to restore the trust between the EU and the US. EU Commission’s **DG Justice** is to issue an **analysis of the Safe Harbour** before the end of the year.
- Edith Ramirez, **Chairwoman of the US Federal Trade Commission** that is responsible for the enforcement of the agreement defended the way the agency has implemented the deal.

- Ramirez underlined that the agency has opened numerous investigations into Safe Harbour compliance. She also recalled that companies that announce a set of privacy policies, but fail to abide by them, are potentially liable for misrepresentation or deception. Last year, **Google** was fined over \$22 million for breaching the commitments.

Net neutrality

Germany: Court rules out throttling of fixed Internet

- On the 30th of October, the Regional Court of Cologne declared an improper contractual clause of German Telecom (**Deutsche Telekom AG**) ruling that the company **cannot limit the Internet speed** for users with fixed –rate contracts that exceed their data usage limit. According to the court, such a cap would be an unfair disadvantage to the customers.
- The Court ruled in favour of the **Consumer advocacy** centre of North-Rhine/Westphalia that had made the complaint. However, Deutsche Telekom is still allowed to appeal against the judge's decision.

Cloud computing

Commission establishes expert group on best practices

- The European Commission has set up an **expert group** to work on safe and fair **terms for cloud computing contracts**. The group, composed of providers, consumers and legal professionals, is to identify best practices to address the concerns of consumers' and SME users as they are reluctant to subscribe to cloud computing services because of the unclear contracts. The move is part of the Commission's Cloud Computing Strategy published last year.
- Commissioner Reding has underlined that the **market uptake of cloud computing** services could create up to 2.5 million jobs in the EU and add 1% a year to the EU's GDP.
- The first meeting of the group is scheduled for 19-20 November 2013. The group is expected to report on its findings in **spring 2014**. The input should be used in a **policy paper launching a broad public consultation** on possible ways forward on cloud computing contracts for consumers and SMEs.

Open Internet

UK: List of banned websites expanded

- Following a court order, **ISPs in the UK** will **block access** to 25 torrent sites and aggregators.
- The decision follows the music industry group BPI's request for ISPs blocking of sites infringing the copyright laws.