

ISOC EUROPEAN REGIONAL BUREAU - EU issues overview

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Data protection

Update on EU data sharing with third countries

- In light of the Prism scandal, the **EU Justice Commissioner Reding** has called for the EU to **review the provisions** of the so-called **Safe Harbour agreement** said she would present an [assessment of the deal](#) before the end of the year.
- A similar request has been voiced by the **German Minister of Justice** who, together with the Minister of Foreign Affairs, is said to have sent a letter to other EU Member States calling for the establishment of a **global agreement on data protection**, seeking an amendment of a UN text on human rights.
- During a recent event, the **Conference of German data protection commissioners** stated that the authorities will [not issue any new permission for data transfer](#) to non-EU countries and will also examine whether such data transfers should be suspended on the basis of the Safe Harbour framework. The Conference has also called on the European Commission to **suspend its decisions on Safe Harbour**.
- The **Irish DPA** (ODPC) has announced it [will not investigate](#) Facebook and Apple for **handling over EU citizens' data** to the US National Security Agency, stating that the safe harbour requirements have been met.

Net neutrality

Germany: IT association calls for competition rather than regulation

- **BITKOM**, the principal German IT trade association, has become the latest stakeholder to warn the government against imposing a general net neutrality law.
- BITKOM has published a [study](#) conducted for it by the Centrum für Europäische Politik (CEP) entitled '**Net neutrality as a regulation goal: a regulative and legal analysis**', which looks at this topic from many angles.
- Regarding the proposed net neutrality law, the study says it represents '**a disproportionate interference with the commercial freedom of the ISP and the content service providers**. At the same time it has a welfare-reducing effect. (Also) The net neutrality regulation is unnecessary in view of the existing possibilities of general competition law, both at German and European level' the study states.
- BITKOM concludes in a [press release](#) that it makes sense to allow different price and delivery packages to consumers, and that a general prohibition on differentiated data transfers would lead to inefficiencies. It recalls that Internet infrastructure has mainly been built through private investment.

Cybersecurity

UK: "Impunity for cybercrime needs to end"

- After a 10-month investigation, the **UK Parliament's Home Affairs Committee** has published its [report on cybercrime](#). Underlining the importance of the e-crime, the report urges the UK to become less complacent.
- Key points:
 - To respond to the online criminality threat, the UK government should **create a team** providing support to both private and public entities and **gathering reports on hacking** attempts. Reporting on online attacks should also address the issue of the existing 'black-hole' where especially financial **cyber-crimes are being committed with impunity**, as the attacks are often not reported or investigated.
 - The document also voices concern over **Britain's increasing isolation** as it has decided to opt out of many EU-wide justice measures. On the other hand, the

- Committee also criticises individual **EU members for not implementing sufficient measures** to fight cybercrime.
- As for the existing UK capacities, the report concludes that despite government's consolidation efforts, the country's policing and law enforcement **structure remains fragmented** which hampers its capacity to address cybercrime.

General

UK: Connectivity and consumer safety design UK digital area policies

- The UK government has published a [study](#) entitled **Connectivity, Content and Consumers: Britain's digital platform for growth**, which after a two-year review of the country's legislative framework governing media and telecommunications identifies the main areas for action. Of particular interest for **ISPs** are chapters dealing with **connectivity and consumer safety**.
- The document underlines the UK's intention to make **infrastructure deployment easier** by removing barriers and unnecessary burdens. The **management of broadband** is to be improved thanks to incentives by Ofcom, the industry's regulator.
- The study reiterates the government's intention to tackle illegal, inappropriate and harmful content, especially to **protect children online**. The progress made by the Internet companies is to be assessed in October. If progress is slow, the government will consider legislation.
- In order to raise consumers' awareness regarding **Internet traffic management** policies and to uphold the **open Internet principle**, the **ISPs** are called to make their **traffic policies more transparent** for the customers to choose the service they need.

EU: Lighter regulation and more spectrum to boost Wi-Fi usage

- The European Commission has published [a study](#) on the impact of traffic off-loading and on the demand for wireless broadband spectrum that underlines the **increasing share of Wi-Fi** in the EU wireless data traffic. Last year, 71% of the EU's wireless traffic was delivered by Wi-Fi.
- As this proportion is expected to grow, the Commission will help to **promote use of Wi-Fi by implementing lighter regulation**. This will involve in particular deployment of off-load services and networks in public locations, and through **more spectrum** (spectrum from 5150 MHz to 5925 MHz should be made available for Wi Fi), stated EU Digital Affairs [Commissioner Kroes](#).
- As the existing 3G/4G networks are expensive to build and run, and some of the networks are already congested, the use of Wi-Fi can relieve data congestion in certain locations across the union, Kroes added.