ISOC EUROPEAN REGIONAL BUREAU - EU issues overview
31 August - 6 September 2013

Net neutrality

Network neutrality fosters innovation, says Dutch Ministry study
- A recent study, **The Innovation-enhancing effects of network neutrality**, commissioned by the Dutch Ministry of Economic Affairs, underlines that **net neutrality eliminates market imperfections** and **increases competition between ISPs**, thus enabling small **content and application providers (CAPs)** to thrive and innovate.
- The study argues that **traffic management** tools increase Internet market entry barriers for CAPs, hampering the connection between end-users and CAPs. This barrier would eventually also affect the ISPs, as with fewer offers of innovative content and applications, users would limit their spending.

UK: Communications regulator publishes consumer guide on traffic management
- **Ofcom**, the Independent regulator and competition authority for the UK communications industries, has published a **consumer guide** on Internet traffic management. The document intends to inform consumers on how and when ISPs manage broadband services.
- The document also **provides hyperlinks to relevant traffic shaping policy documents** of the largest British ISPs.
- The regulator has also published a research document on consumers' broadband usage and traffic management that confirmed a general **lack of knowledge with regards to ISPs policies**, despite their accessibility and transparency. An update on ISPs' traffic management policies will be included in Ofcom's Communications Infrastructure Report to be published later this year.

Data protection/Copyright infringement

UK: ISPs asked to collect data on illegal downloads
- The main **British ISPs** (BT, Virgin Media, BSkyB and Talk Talk) have been asked by **music and film industry** trade associations to sign up to a **voluntary monitoring of illegal downloading**.
- The project initiated by the BPI (British Phonographic Industry) and the British Video Association aims to **create a database of customers who illegally download** copyrighted material. The data could be used to request disconnection for repeat offenders. According to Ofcom, 18% of Internet users (aged 12 and over) have recently pirated online content.
- On 12 September, representatives of the publishing industry will meet the **UK Prime Minister Cameron** to discuss digital piracy. Despite the 2010 adoption of the **Digital Economy Act**, designed to address the question of online piracy, its entry in force has been delayed and is not expected until 2014.

Data protection/Privacy issues

MEP calls for the Commission to legislate on IP tracking
- MEP Marc Tarabella (S&D, Belgium) has requested the **European Commission to investigate the tracking of Internet addresses** for commercial purposes, denouncing a practice implemented by several online retailers that use consumers' browsing history to artificially increase price of their products.

- The tracking used to **surcharge customers** could affect as many as 300 million Europeans, claimed Tarabella. The **French Data Protection Authority** (CNIL) has recently announced that it would conduct an inquiry in France.

Cybersecurity

ETNO calls for clarification on reporting obligations
- **ETNO** has requested the European Commission to provide **further clarification on incident reporting frameworks** (e.g. telecoms package, draft Regulation on e-identification) to avoid cumulative or inconsistent obligations.
- In ETNO's opinion, providers should not be subject to different requirements depending on the service they provide. The EU should ultimately implement **cross-sector regulations**, instead of sector-specific frameworks, said ETNO.
- The Telcos Association underlined that **all Internet enablers**, including the non-EU based market operators, should also be covered by the proposal in order to guarantee an EU-wide level playing field. Software and hardware manufacturers should also be covered to facilitate the creation of a **single market for cybersecurity products**.
- As for **notification requirements**, flexibility should be allowed to reflect different cybersecurity needs with regards to the type of data and users. A clear definition of **significant impact**, which is the reporting precondition, should also be provided, ETNO stressed.