

ISOC European Regional Bureau Newsletter

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Data protection

EU: Council unveils diverging views on the one-stop shop principle

- During the **Justice Council** earlier this week, EU Member States supported the so-called **one-stop shop principle**, under which one single supervisory authority (a national authority in the country where a company is based) would be competent for monitoring the activities of the controller or processor throughout the Union and making the related decisions, even though processing of personal data takes place in more than one member state. **Divisions** remain however over how the structure for a single supervisory authority should be set up. The main issue is how to strike a balance between red tape for companies and the need to protect citizens' data.
- **Poland and Ireland** are in favour of **power centralisation** with a national authority in the country where a company is registered exclusively issuing decisions regarding that company. The **Netherlands and Luxembourg** argue that this authority should have exclusive powers to conduct investigations and issue fines. **Finland and Sweden** support the set-up of a strong lead authority, but with its exclusive competence being restricted to administrative matters.
- Citizens' proximity was a major concern for another group of countries represented by **Germany and Austria**. Both states were pushing for greater power for national authorities with the one-stop shop principle having only a coordinating function.
- **France proposed a compromise** under which Member States authorities would reach decision together, using a regulated **co-decision mechanism**. The proposal was backed by Belgium, Italy and the Czech Republic.
- **EU Justice Commissioner Reding** welcomed the outcome of the meeting, stating that a final text could be ready in December. The **Lithuanian Presidency** was less enthusiastic, underlining that the quality of the new Regulation should not be sacrificed over speed.

***Comment:** The leading Civil Liberties Committee of the European Parliament is to vote on the amended text of the proposed data protection Regulation on 21 October. Talking at a recent event, MEP Jan Philipp Albrecht (Germany, Greens), Parliament's Rapporteur on the dossier, said he believes the vote is not going to be postponed again. The next EU Justice Council, where the issue could be debated further, is scheduled for 5-6 December.*

Belgium: Ministers expand scope of data retention rules

- **Belgian Minister of Justice Turtelboom** (Liberal) and **Minister of Economy Vande Lanotte** (Socialist) have presented a decree which will **oblige telecoms operators** to save all details of telephone, Internet and email communications for a year.
- The decree, which goes **beyond the scope of the 2006 EU Directive** on the retention of data, would give the Governmental agencies (e.g. Police, State security) the right to access the stored data.

- The **Belgian privacy watchdog** still has to give its evaluation of the decree. The operators would have one year to adapt to the new provisions.

Amid PRISM scandal, Committee calls for suspension of safe harbour

- During the recent round of the European Parliament's **Civil Liberties Committee Inquiry** on Electronic Mass Surveillance of EU Citizens, **many** Members (mostly from left and liberal political groups) called on the Commission to suspend the **Safe harbour agreement**, a trans-Atlantic framework allowing US companies to collect personal data in the EU by declaring they comply with the EU Member States privacy policy rules.
- **MEP Claude Moraes** (UK, S&D), leader of the inquiry, underlined that safe harbour can no longer be considered a viable mechanism for EU-US data flow.

Data protection update

- According to a ruling by a **German court**, companies operating **Facebook fan pages** are **not liable** for the social network's **potential privacy violations** in the country. The court's decision overrules a 2011 order brought by the data protection authority of Schleswig-Holstein, which said that Facebook was violating German privacy laws by collecting users' data and using it for commercial purposes.
- The ruling is perceived as a **setback for the DPA**, which referred to the order as a precedent for limiting the way social networks and other service providers collect data in Germany.

Internet Governance

EU: Stakeholders asked to share views on Internet governance

- Launching a new initiative on '**Europe and Internet in a global context**', EU Digital Affairs **Commissioner Kroes** has asked the interested stakeholders to share their views on the future of Internet governance. During the next four weeks, a special Commission website will be allocated to discussions.
- In a blog post accompanying the site opening, Kroes underlined that decisions affecting the functioning of the Internet should not be taken just by politicians and companies, but must include a wider public, considering the role of Internet in contemporary societies. According to Kroes, the openness of the Internet will be best guaranteed by a **transparent, multi-stakeholder model of governance**.

General

France pushes for an EU-wide digital tax

- At a recent conference, and ahead of the **European Council** dedicated to digital economy (24-25 October), **French Economy Minister Moscovici** voiced the determination of his country to push the issue of **digital economy taxation** at international level, convincing EU Member States to find a common approach.
- French representatives underlined that the solution is to **establish a common taxation base** between countries. EU Taxation Commissioner Šemeta acknowledged the issue was one of utmost importance in the field of current international taxation, as the taxation systems were designed before the computer era, but warned that taxation should not hamper economic growth and innovation.
- French **Digital Economy Minister Pellerin** is to lead a **European tour** that aims to gain support for the French proposal among other EU Member States.