

ISOC European Regional Bureau Newsletter

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Data protection

EU: Commission to publish the text of the EU-US Privacy Shield

- European Commission sources confirmed that the **full text of the EU-US Privacy Shield agreement** will be published early next week. Negotiators reached agreement on the new framework for transatlantic data transfers on 2 February.
- **Germany invited the Commission to report on the deals' details** at the EU Competitiveness Council which will take place on 29 February.

EU/Global: Vice-President Ansip opposes backdoors to encryption

- In an **interview** with *EurActiv*, Commission Vice-President **Ansip said that he strongly opposes any kind of backdoors to encryption** as they could undermine citizens' trust in digital services. The comment was made in relation to the case which currently opposes Apple and the FBI.
- In relation to encryption use by terrorists, the Vice-President stated that **he does not want to blame the Internet for everything bad**. Protection of privacy and provision of security should not be perceived as contradictory goals, Ansip said.

EU: Is the Commission considering rules on data collection?

- On 24 February, **Günther Oettinger**, Commissioner for the Digital Economy and Society, stated that the Commission is **considering measures** which would allow EU businesses to fully benefit from the opportunities offered by data-driven innovation. **Mitigation of the current imbalance** between data-rich and data-poor companies is among the considerations.
- In his speech at the presentation of the CEP Study *Competition challenges in the Consumer Internet Industry*, the Commissioner highlighted that **data has become a tradeable good**. The concerns voiced relate to vast data sets held by a relatively small number of companies, as this may prevent other companies from entering the market. The comments were made as the Commission explores whether to regulate online platforms.
- Speaking at the same event, Cecilio Madero Villarejo, the European Commission's Deputy Director-General for Antitrust, reiterated concerns that the EU's antitrust watchdog has with regards to creating new rules to regulate platforms as **competition tools already in place can deal with issues** which may arise for example in the area of big data.

EU/Germany: Public hearing in the German parliament on GDPR

- On 23 February, the **Digital Agenda** committee of the German Parliament organised **a public hearing on the General Data Protection Regulation (GDPR)** chaired by MP Jens Koeppen (CDU / CSU). A majority of key **German privacy rights defenders** present during the hearing welcomed the Regulation.
- Andrea Vosshoff, the Federal Commissioner for Data Protection and Freedom of Information, welcomed **the high level of data protection** which has been enshrined within the Regulation, and reassured the

audience that **data-centric business models would continue to thrive**. Dagmar Hartge, the Brandenburg State Commissioner for Data Protection and Access to Information described the GDPR as a success.

- Critics from academia voiced their concerns with regards to **gaps in specific areas** such as pseudonymisation, informed consent and technology neutrality. Jan Oetjen, board member of the Internet service provider United Internet AG, deplored the **lack of incentives to share data in pseudonymised form** and highlighted the risk for informed consent inflation.
- Overall, the debate highlighted that a number of **essential points in the Regulation leave room for interpretation to Member States** which could become an obstacle for reaching a set of uniform EU-wide data protection rules.

Security

EU: EuroISPA issues statement on the proposed Directive on combatting terrorism

- On 22 February, EuroISPA, the European Internet Services Providers Association, published a **statement** on the proposed EU **Directive on combating terrorism**. The association highlighted that the Directive should provide the tools for ISPs and public authorities to coordinate their efforts to effectively tackle illegal terror content online.
- EuroISPA called for the text to **include an explicit reference to the E-Commerce Directive** and underlined the importance of the **Notice and Takedown mechanism** which defines the legal basis for ISPs and public authorities to jointly tackle illegal content online while safeguarding fundamental rights.
- The association also highlighted the need for **standardised notification procedures** across Europe which would allow ISPs to quickly remove illegal terror content.

Digital Single Market

EU: The 2016 edition of the Digital Economy and Society Index (DESI) unveiled

- The European Commission has **released** its latest **Digital Economy and Society Index report (DESI)** which summarises indicators on **Europe's digital performance** and maps the evolution of EU Member States in **digital competitiveness**.
- Commenting on the report, **Commissioner Oettinger** said that while the results demonstrate that Member States are improving, the progress made on broadband access, Internet use, digital skills and digital public services is slow. In May, the Commission will **announce recommendations** for EU countries to improve their national performances.
- Denmark, the Netherlands, Sweden and Finland continue to lead the DESI rankings. The fastest growing countries were Estonia, Germany, Malta, Austria, the Netherlands and Portugal.
- The report revealed that **71% of European homes have access to high-speed broadband** which represents a 9% increase compared to last year's figures.
- The Commission will release a follow-up report in March comparing the EU's digital economy and society with other countries.

EU: Centre for Regulation in Europe presents its views on the future regulation for digital networks

- **Alexandre de Stree** and **Bruno Liebhaber**, authors of the policy **report** on future regulation for digital networks which was recently published by **Centre for Regulation in Europe (CERRE)**, said that there should be **only two sets of EU telecoms regulation**: one for **infrastructure** and the other one for **services**. Therefore, the **same rules should apply to the same services** (e.g. voice call) regardless the technology used to deliver them.
- Addressing the issue of **online platform regulation**, Alexandre de Stree stated that assuming that online platforms are not regulated is incorrect, as all digital services are subject to competition law,

consumer protection and data protection. Therefore, the EU should first ensure that the existing legislation is properly implemented, especially at national level.

Germany: Internet industry to grow by 60 % by 2019 with cloud and paid content as key drivers

- According to the study “**The German Internet Industry 2016 – 2019**” carried out by eco - Association of the Internet Industry and Arthur D. Little that will be presented on 16 March, the **German Internet sector will continue growing** and become the **fastest growing sector** in the country, thereby even outdoing traditionally strong sectors such as chemicals and engineering.
- The forecasts table on a revenue increase of the German Internet industry of around 60% to €114 billion by 2019, which equals an average annual growth of 12%.
- E-commerce and Internet access networks are very successful in Germany, the latter being mainly driven by the mobile sector and the **boom in data traffic** per Sim card.
- But the most thriving sectors are **cloud computing**, thanks to the scalability of the services, and **paid content**, as an increasing number of readers turn to e-books and e-magazines coupled with the high demand for music and video streaming subscriptions and games.