

ISOC European Regional Bureau Newsletter

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Data protection

EU/US: Apple-FBI encryption row raises concerns with regards to Privacy Shield

- The **Apple case** is raising concerns in the EU that the **EU-US Privacy Shield** does not go far enough to provide protection of European data.
- **Jacob Kohnstamm**, head of the Dutch data protection authority, said that the **issues at stake in the Apple case make it harder to rebuild user trust** if companies can be forced to issue weak security versions of their products.
- **MEP Viviane Reding** (EPP, Luxembourg), former EU Justice Commissioner, stated that while the Privacy Shield strengthens protection in some areas, when it comes to the intelligence services, the text is the same as in 2014.
- The umbrella organisation of national data protection authorities, the **Article 29 Working Party**, is reviewing the documents which will set up the Privacy Shield. The party's opinion is expected by mid-April.

EU: Commission could expand criteria to initiate merger reviews

- Speaking at a conference organised by German law students group in Brussels, **EU Competition Commissioner Vestager said** that the **Commission may revise criteria for merger reviews** as, by looking only at turnover, it might be missing some important deals to review.
- The Commissioner stated that it is not only the turnover which makes a company an attractive merger partner but also its assets such as a **customer base or a set of data**.

EU: Competition authorities explore links between data sets and competition

- **Commissioner Vestager** stated that **German antitrust authority (Bundeskartellamt)** is well-suited to investigate Facebook over suspicions that its approach to privacy may break antitrust laws. The statement follows last week's announcement of the watchdog which, according to the Commissioner, will **explore new territory**.
- Bruno Lasserre, President of the French competition authority, announced that the watchdog is considering starting a sector investigation into personal data and competition. The German and French antitrust authorities are currently working on a joint study which will look into how companies could gain market power by accumulating complex sets of data. The study is scheduled for publication this spring.

Cybersecurity

EU: Eurojust announces a 30% increase in cybercrime cases

- **Michèle Coninsx**, President of the European Union's Judicial Cooperation Unit (Eurojust) **announced** that there was a **30% increase in the number of cybercrime cases** referred to Eurojust.

- The President underlined that in order to be able to effectively cope with the increase in cybercrime, judicial and law enforcement efforts need to be coordinated.
- **Lodewijk van Zwieten**, Eurojust's Cybercrime Expert and Representative to the European Cybercrime Centre described six main judicial challenges in the fight against cybercrime: loss of data; loss of location; harmonisation of legal frameworks; need for public-private cooperation; international cooperation; and the evolving threat landscape and resulting expertise gap.
- **Daniela Buruiană**, Chair of the Eurojust Task Force on Cybercrime presented steps forward in launching a judicial cybercrime network supported by the Dutch EU Presidency, and highlighted the importance of cooperation with the private sector which holds much of the evidence of cybercrime, removes illicit content and reports data breaches to law enforcement authorities.

EU: ENISA publishes recommendations on security of big data systems

- **ENISA**, European Union Agency for Network and Information Security, published a **report** on good **practices and recommendations on the security of big data systems**.
- Access control and authentication, secure data management, and source validation and filtering were identified as **key challenges** related to the secure use of big data.
- Based on the findings, ENISA called on standardisation bodies to adapt existing standards or create new security standards to include big data. The agency also recommended for big data providers or vendors to invest in compliance with security standards for their products

Global/UK: United Nations Special Rapporteur on the right to privacy criticises Investigatory Powers Bill

- In a **report** on the proposed **UK Investigatory Powers Bill**, **Joseph Cannataci**, United Nations Special Rapporteur on the right to privacy, stated that the **proposal fails the benchmarks set by the Court of Justice of the European Union** and the European Court of Human Rights.
- According to the report, the **UK government does not fully appreciate the unintended consequences** of legitimising bulk interception. The Rapporteur also underlined the influence UK legislation has in a number of UN member states which are part of the Commonwealth.

Internet governance

Global: Plan to transition stewardship of key Internet functions submitted to the US government

- On 10 March, **ICANN Board Chair** Stephen D. Crocker **submitted** to the US Government a plan developed by the international Internet community which provides a **package to transition** the US government's stewardship of IANA (Internet Assigned Numbers Authority) to the international community.
- The package prepared by the delegates of the **55th ICANN meeting** which took place on 5-10 March in Marrakech, Morocco, proposes ways to **enhance ICANN's accountability**.
- The package will be **reviewed by the US Government** and if approved, its implementation is expected to be completed prior to the expiration of the contract between NTIA and ICANN in September 2016.

Digital Single Market

EU: Germany calls for a light approach to telecoms regulation

- In a leaked position paper on the **upcoming reform of EU telecoms framework**, Germany called for **softer rules** and **measures boosting investment** in telecoms networks. The report also called for national authorities to be given more power.
- The paper **described voice over IP services as direct competitors and substitutes for traditional telecoms services**.

EU: A European Strategy for Digital Industrial Leadership leaked

- The **leaked draft** of the European Commission's Communication on **A European Strategy for Digital Industrial Leadership** confirmed that a **governance framework for coordination** between public and private initiatives at EU, national and regional level will be set up to drive digitisation of European industry. A **high-level roundtable** composed of representatives of Member States, industry and social partners will be established and meet twice a year. Furthermore, a yearly **European stakeholder forum** will be set up for wider consultation and outreach.
- The proposed actions are expected to **mobilise €50 billion of investment** in the next five years, **eliminate legislative hurdles** and reinforce coordination of efforts on **digital skills and jobs**.
- **Cloud computing, standardisation**, and the **Internet of Things** will be among the areas covered in documents which will accompany the Communication.

EU: European Parliament approves report on a thriving data-driven economy

- On 10 March, Members of the European Parliament **approved a motion for resolution** tabled by **MEP Jerzy Buzek** (EPP, Poland) entitled *Towards a thriving data-driven economy*.
- During a debate preceding the vote, **MEPs reiterated the importance of big data** and called on the European Union to act fast to be on top of the digital economy.
- **DigitalEurope** welcomed the resolution underlining its support for efficient and open data flows, as well as for a global market for cloud computing and internationally compatible standards.