

# ISOC European Regional Bureau Newsletter

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## Internet Access

### EU: Commission presents Work Programme 2017

- European Commission President Juncker presented his **third annual Work Programme** on 25 October and announced the Commission will carry out a **mid-term review of the implementation of the Digital Single Market Strategy**.
- As part of the implementation of the Single Market Strategy, the Commission will present a **company law initiative to facilitate the use of digital technologies throughout a company's lifecycle, during cross-border mergers and divisions**, there will be a **proposal for a Single Digital Gateway, as well as for a Single Market Information Tool**.
- A **data protection package** was announced which will include the EU institutions within rules on the protection of personal data, a re-evaluation of existing policy (**REFIT**) of the **ePrivacy Directive**, and a mechanism for assessing the exchange of personal data with third countries (adequacy decisions).
- In its 2017 Work Programme, the Commission also highlighted **ongoing proposals** on portability, digital contracts, the telecoms reform, the copyright reform, WiFi4EU, audiovisual media services directive (AVMSD), geo-blocking and the use of the 470-790 Mhz frequency band.

### EU: Adoption of the Public Sector Web Accessibility Directive

- The European Parliament adopted on 26 October the **new accessibility rules that will ensure websites and mobile apps of public administrations, hospitals, courts and other public sector bodies are widely accessible**. The Web Accessibility Directive, which was already internally agreed by the Parliament and the Council, will allow for disabled and elderly people to access data and services on the Internet.
- Once the directive is published in the Official Journal of the EU, Member States will have 21 months to transpose it into their national laws. From that point onwards, they will have 12 months to apply the provisions to new websites, 24 months to apply them to existing websites and 33 months to make them available to public sector bodies' mobile applications.

### France: 'YouTube tax' rejected by French Parliament

- The **French National Assembly rejected on 21 October a tax** (commonly known as the "YouTube tax") **planning to be imposed on the revenues from advertising coming from websites that provide free and premium Internet videos**. Pushed by a trio of Socialist deputies, Karine Berger, Bruno Le Roux et Pierre-Alain Muet, the goal of the bill was to extend the tax to the global digital giants
- The Budget Secretary Christian Eckert expressed the worry that this tax would become a "dailymotion tax" which would impose a higher burden on operators based in France compared to those based elsewhere. He considered such a tax would have little impact on big American companies. The taxation of these companies, he argued, is an issue that needs to be addressed at a European level.

#### EU: New rules on online sales of goods may suffer delays of at least one year

- **A number of countries in the EU Council**, including Germany, are **considering presenting a proposal to the European Commission on online sales of goods**. They are calling for **one set of consumer rules to cover online sales and guarantee both online and traditional stores**.
- This comes in the context of the Commission's digital consumer **proposals** from December 2015 and their recent survey comprising 23,000 consumers and 375 businesses. The executive has been trying to regulate online consumer rules and improve e-commerce sales across the EU while Council has shown divided views on the approach.

## Trust

#### EU: First EU court challenge over Privacy Shield

- Digital Rights Ireland filed a **complaint** with the General Court of the European Court of Justice asking **for the annulment of the Privacy Shield agreement**. They did so last month with no prior public announcement or release, and have declined to comment. The Court will have to decide whether the case is admissible.
- Generally, privacy groups see the bulk collection of data as problematic. The Court will determine whether US assurances are compatible with the EU's guarantee of a "necessary" and "proportionate" surveillance.
- Data privacy experts have warned about the likelihood of further challenges via national courts or data watchdogs.

#### EU: Commission publishes details of the Article 31 Committee meeting

- A **summary record** has been made public of the **meeting of the Committee on the Protection of Individuals with regard to the Processing of Personal Data** held on 3 October. Two draft Commission Implementing Decisions were presented amending the existing adequacy decisions and the decisions on standard contractual clauses.
- The aim behind both proposals is to address the European Court of Justice's findings on the Schrems case, whereby Article 4 of the Safe Harbour decision was considered invalid.

#### Global: Internet of Things vulnerable to cyber attacks

- After the cyberattack of 21 October that disrupted traffic on hundreds of websites, including Twitter, the Financial Times, Paypal, Airbnb and Spotify, experts warned that **smart devices, commonly referred to as 'Internet of Things', are easier to hack**. Hundreds of thousands of connected devices were exploited to overwhelm the American web infrastructure company Dyn with traffic coming from millions of Internet addresses.
- Experts argue objects such as baby monitors, webcams or i-kettles which connect to the Internet by default, do not have sufficient memory for safety software, use generic code and use stock code from open-source software, making them easy targets to cyberattacks. This contrasts with devices which have more specialist applications designed with security in mind.
- As attacks on connected devices become increasingly sophisticated, experts called upon manufacturers to pay special attention to security concerns.

#### EU: Europol launches campaign on the threat of mobile malware

- In honour of the European Cyber Security Month, **Europol's Cybercrime Centre (EC3) launched a campaign to raise awareness of the consequences of malware**. The campaign extends across 22 different EU countries, three non-EU countries (Colombia, Norway and Ukraine) and two EU agencies (ENICS and eu-LISA).

- Activities range from press conferences, school lectures, educational workshops, training courses, online quizzes and live chats on social media. This campaign will be accompanied by a communication campaign via social media channels and national law enforcement websites. The aim is to provide an overview of the key threats and vulnerabilities of the mobile devices. Tips are provided on how to securely perform daily activities such as downloading apps, Internet banking, Wi-Fi connection or how to avoid becoming a victim of mobile ransomware.
- Europol Director, Rob Wainwright, noted the use of security software and the reporting of attacks will provide law enforcement agencies and the security industry with a clearer picture of where we stand. This will consequently result in a greater capacity to mitigate the threat. He advocated for a **common global alliance between public and private sectors beyond the EU borders**.

#### Belgium/ France: Tech firms should cooperate further in the fight against terrorism

- Belgian and French prosecutors declared at a press conference on 21 October that **tech companies should make a greater effort to help anti-terror investigators access encrypted chats**. Currently, a number of their requests are ignored and often result in pleading with companies with no results.
- No specific firms were named but they did indicate that the majority of them were based outside France or Belgium.
- Prosecutors argue for a **global response** to prevent future attacks and help identify terrorists.

#### Germany: New regulation will reinforce control over intelligence services

- The German Parliament approved on 21 October a **new law that will expand the legal and operational framework of the German Federal Intelligence Service** (Bundesnachrichtendienst). The bill was passed by the ruling coalition of the Social Democratic Party (SPD) and the Christian Democratic Union (CDU).
- As **reported** by Deutsche Welle, the new law foresees a panel composed of two judges and a federal prosecutor who must provide the German Federal Intelligence Service (BND) with the authorisation to investigate foreign organisations, including EU institutions and other member states.
- The panel will also be responsible for investigating alleged abuses of power by the intelligence agency. The law has been criticised by opposition parties who accuse it of legalising mass spying.

## OTHER

#### Global: Report shows hacking may stimulate brain activity similar to drugs and alcohol

- The **report** was written for Europol and suggests there are **parallels in the way young people may turn into hackers and how they become victims of addictive substances**.
- Money does not seem to be, in general, the main motivation to youngsters but rather social affiliation and increased online reputation. The profile of young hackers is male, socially isolated but active in networks with groups of adolescents.
- Interpol, Europol, the British National Crime Agency, the British Home Office and UCD Geary Institute for Public Policy have participated in the report as research stakeholders. The study includes recommendations for policing, policy and the legal system. The report suggests educational programmes to tackle substance abuse could be tailored to help tackle cybercrime. However, they remain cautious of claiming hackers are necessarily addicts themselves.