Internet governance: the next steps

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The Committee on Industry, Research and Energy adopted the report by Francisco SOSA WAGNER (NI, ES) in response to the Commission communication entitled “internet governance: the next steps”.

The committee considers that the internet is a **global public good** and, as such, its governance should be exercised in the common interest. It recognises that the internet is essential for the practical exercise of freedom of expression, cultural diversity, media pluralism and democratic citizenship, as well as for education and access to information, thus constituting one of the principal vectors for the dissemination of democratic values in the world.

Reiterating that access to the internet both guarantees and depends upon the **exercise of a number of key fundamental rights**, the committee underlines that institutions and stakeholders at all levels, therefore, have a general responsibility to assist in ensuring that everyone can exercise their right to participate in the information society while simultaneously attacking the twin challenges of e-illiteracy and democratic exclusion in the electronic age.

Members welcome the fact that the Commission understands the importance of “bridging the digital divide” and the development issues involved in internet governance. However, while they note that the internet can be **an effective tool of social inclusion**, our older citizens must be included. They therefore urge that action be taken **to promote education** on the use of the resources offered by the internet and the selection of criteria on how to use those resources.

Members recognise that the intensified use of the internet by citizens, consumers, companies and authorities implies that this communication instrument is becoming one of the fundamental elements of the completion of the internal market within the EU. In this context, they stress the need for **appropriate protection of consumers and intellectual property rightsholders** on the internet, as well as the fact that internet users’ civil rights and freedoms must be guaranteed.

The committee emphasises that internet governance should facilitate e-commerce and cross-border transactions by decentralising the self-regulatory roles, especially in setting entry conditions for new competitors.

It also calls for easier access to and development of the internet in newer Member States, particularly in rural areas, and in developing countries, through programmes funded by the EU.

To safeguard the EU interest in maintaining the internet as a global public good, Members consider that internet governance should be based on a broad, **balanced public-private sector model**, avoiding dominance by any individual entity or group of entities and attempts by state or supra-national authorities to control the flow of information on the internet, while interacting with multi-stakeholder processes on internet governance which continue to provide an effective mechanism for promoting global cooperation.

Members call on the European Commission and the Member States to ensure that all activities related to internet governance comply with the EU’s values and goals, as laid down in the TEU, in particular in those global internet governance fora where countries whose values differ greatly from those of Europe take part. They consider that, in the interest of avoiding conflict, **international dialogue should be stepped up** with these countries in the area of internet regulation.

They consider that governments should focus on issues vital to global internet public policy as private sector leadership needs to be based on respect for public policy principles and existing legislation and otherwise adhere to a principle of non-intervention, except as may be necessary in exceptional circumstances, and that, even then, their action should respect fundamental human rights and the proportionality principle

The committee stresses that any restrictions deemed indispensable should be limited to the minimum necessary in a democratic society, should be based on law, and should be effective and proportionate. It further emphasises that **protection of minors must be guaranteed**, and invites Member States to also take measures to enable minors to make responsible use of internet and on-line information services, and to improve the level of awareness of potential threats posed by new services.

It calls, moreover, for more initiatives to strengthen the **safe exploration of the internet by children**, to disseminate best practices worldwide and to reinforce international cooperation in the fight against harmful and illegal content online, particularly with regard to the sexual abuse of children. It reiterates that, when combating cybercrime and child pornography, criminal content should be deleted at the source before considering websites being blocked.

MEPs stress that the EU should address three **critical public policy issues**: i) protection of internet infrastructure to safeguard openness, availability, security and resilience against cyber attacks; ii) European dependence on dominant market solutions and associated public security risks, and iii) protection of data and privacy, in particular, as regards the establishment of effective international mechanisms for dispute resolution. They, therefore, call on the Commission to submit a proposal for the **adaptation of the Data Protection Directive** to the current digital environment.

Members urge all Member States that have not done so already to ratify and implement the Council of Europe Convention on Cybercrime, as well as to ratify and implement the Council of Europe Convention on the Prevention of Terrorism which would allow the **development of a basis for international cooperation in countering the terrorist use of the internet** in the form of large-scale attacks on and through computer systems which threaten national security, public safety or economic well-being.

The committee recommends, in addition, that the Commission and Member States work towards **enhanced security and stability of the internet** through measures aimed at increasing network and system diversity through the application of competition law, EU standards and procurement policy, as well as by: i) supporting ICANN's work on security and stability of the domain name system, ii) supporting work in international fora, such as the OECD, the UN and the Council of Europe on improved legislative frameworks and national coordination.

It also stresses that the success of **social networks**, together with the internet's technical capacities in terms of memory and data processing, is giving rise to problems of data retention and the use of archived data; deplores the fact, in this respect, that there is currently **no "right to forget"** on the internet.

Members consider there is a need to find a **suitable balance between protecting users' privacy and recording personal data**. They deplore the fact that increasing use of internet networks does not yet go hand in hand with rules allowing users to manage the personal data they put on those networks.

They call on the Commission to present a proposal to extend the application of Regulation (EC) No 864 /2007 on the law applicable to non-contractual obligations (Rome II) to include **violations of data protection and privacy**, and on the Council to authorise negotiations with a view to concluding an international agreement enabling effective redress by EU individuals in case of violations of their rights under EU law to data protection and privacy.

The committee points out that website security certification is becoming necessary to give consumers greater confidence in accessing online information and services.

It stresses the role of the European Network and Information Society Agency (ENISA) in the creation of a single European information space and, in particular, with respect to preventing, addressing and responding to network and information security problems. It underlines the need to further increase the effectiveness of ENISA by: i) identifying the research priorities, on a European level, in the areas of networking resilience and in network and information security, and offering knowledge of industry needs to potential research institutions; ii) drawing the attention of decision-makers to new technologies in security-related areas; and iii) developing forums for information-sharing and provide support to Member States.

Members request the Commission to facilitate the adoption of a coherent and comprehensive EU approach at the **Internet Governance Forum (IGF)** and other major internet governance events by submitting a draft EU position document well in advance of each such event to the European Parliament and Council for debate.

They recommend improving the IGF in the following ways: i) increased participation of developing countries, with attention paid to funding of their participation, ii) heightened visibility in the media, iii) more efficient organisation of meetings, e.g. by a reduction in the number of simultaneous meetings, the establishment of a stable platform to facilitate global participation, and greater multilingualism, iv) better coordination and cooperation between global, regional and national internet governance fora, and v) deepened cooperation between the European Parliament and national parliaments by using all technological means available, as well as the Inter-parliamentary EU-Information Exchange (IPEX).

The committee supports in general the Commission's position in favour of the current **ICANN** management model based on private-sector leadership. It considers that improvements to ICANN should be made by: i) the introduction of an alternative, external dispute resolution mechanism allowing interested parties effective, neutral, timely and affordable review of ICANN decisions, ii) a gradually implemented diversified funding structure, with funding from any one entity or sector capped, in order to prevent undue influence over ICANN's activities by any individual entity or group of entities; iii) appropriate representation of all interested parties in ICANN, iv) ensuring that ICANN's board and top management represent a range of interests and regions; v) use of a reasonable part of its reserve fund in order to boost civil society's participation to internet governance fora (especially from developing countries).

Lastly, Members request the Commission to provide Parliament with yearly reports on internet governance-related events during the preceding year, with the first such report to be provided by March 2011.