Internet governance: the next steps

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The European Parliament adopted a resolution on “internet governance: the next steps” in response to the Commission’s communication on the subject.

A global public good: Parliament 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, Parliament 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.

Element in the completion of the internal market: Parliament recognises 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, it stresses 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.

It 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.

A broad-based and balanced public-private model: 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. To avoid conflicts of this nature**, international dialogue** should be stepped up with these countries in the area of internet regulation.

Limiting access restrictions: Members 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.

They call on governments to desist from imposing restrictions on internet access by way of censorship, blocking, filtering or otherwise, and from requiring private entities to do so. They stress 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.

Protection of minors: underlining the importance of guaranteeing the protection of minors, Parliament 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.

They call, 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.

Critical issues: 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.

Cybercrime: 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. Parliament 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. The resolution points out that **website security certification** is becoming necessary to give consumers greater confidence in accessing online information and services.

Data protection and privacy: the resolution stresses the fact 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 point out, moreover, that transparent and responsible internet management can play an important part in supervision of the way in which search engines handle information worldwide.

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.

Institutions and international organisations: the resolution underlines that the EU institutions, bodies and Member States should coordinate their position with regard to internet governance in the various International bodies that deal with it, such as ICANN and its advisory bodies including the Government Advisory Committee (GAC). In this context, it emphasises 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 and welcomes the fact that the Commission would shortly present a proposal for its modernisation.

It calls on 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.

The resolution recommends 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 such as video-conferences as well as the Inter-parliamentary EU-Information Exchange (IPEX).

Parliament 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, the resolution requests 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.