## Basic information

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|---|---|
| **2009/2229(INI)**<br>INI - Own-initiative procedure | Procedure completed |
| Internet governance: the next steps<br>**Subject**<br>3.30.25 International information networks and society, internet | |

## Key players

### European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| ITRE Industry, Research and Energy | SOSA WAGNER Francisco (NI) | 03/11/2009 |
| | Shadow rapporteur<br>VAN NISTELROOIJ Lambert (PPE)<br>TRAUTMANN Catherine (S&D)<br>KOCH-MEHRIN Silvana (ALDE)<br>LAMBERTS Philippe (Verts /ALE)<br>TOŠENOVSKÝ Evžen (ECR) | |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| INTA International Trade | The committee decided not to give an opinion. | |
| IMCO Internal Market and Consumer Protection | STIHLER Catherine (S&D) | 15/02/2010 |
| CULT Culture and Education | BELET Ivo (PPE) | 02/09/2009 |
| JURI Legal Affairs | WIKSTRÖM Cecilia (ALDE) | 27/01/2010 |
| LIBE Civil Liberties, Justice and Home Affairs | LAMBRINIDIS Stavros (S&D) | 07/04/2010 |

### Council of the

| Council configuration | Meetings | Date |
|---|---|---|

| | | | |
|---|---|---|---|
| European Union | Transport, Telecommunications and Energy | 2987 | 2009-12-17 |

| European Commission | Commission DG | Commissioner |
|---|---|---|
| | Communications Networks, Content and Technology | KROES Neelie |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 18/06/2009 | Non-legislative basic document published | COM(2009)0277 | Summary |
| 17/12/2009 | Debate in Council | | Summary |
| 17/12/2009 | Committee referral announced in Parliament | | |
| 01/06/2010 | Vote in committee | | Summary |
| 07/06/2010 | Committee report tabled for plenary | A7-0185/2010 | |
| 14/06/2010 | Debate in Parliament | | |
| 15/06/2010 | Decision by Parliament | T7-0208/2010 | Summary |
| 15/06/2010 | Results of vote in Parliament | | |
| 15/06/2010 | End of procedure in Parliament | | |

## Technical information

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| **Procedure reference** | 2009/2229(INI) |
| **Procedure type** | INI - Own-initiative procedure |
| **Procedure subtype** | Initiative |
| **Legal basis** | Rules of Procedure EP 55 |
| **Other legal basis** | Rules of Procedure EP 165 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | ITRE/7/01780 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee opinion | CULT | PE431.014 | 23/02/2010 | |
| Committee opinion | IMCO | PE439.331 | 12/04/2010 | |
| Committee draft report | | PE440.183 | 15/04/2010 | |

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|---|---|---|---|---|
| Committee opinion | JURI | PE439.347 | 30/04/2010 | |
| Amendments tabled in committee | | PE441.224 | 08/05/2010 | |
| Committee opinion | LIBE | PE441.186 | 31/05/2010 | |
| Committee report tabled for plenary, single reading | | A7-0185/2010 | 07/06/2010 | |
| Text adopted by Parliament, single reading | | T7-0208/2010 | 15/06/2010 | Summary |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Non-legislative basic document | COM(2009)0277 | 18/06/2009 | Summary |
| Commission response to text adopted in plenary | SP(2010)6508 | 27/10/2010 | |

# Internet governance: the next steps

2009/2229(INI) - 17/12/2009

The presidency briefed delegations on recent activities concerning Internet governance under the Swedish Presidency.

Two main events have marked the discussions this autumn, namely the new "affirmation of commitment" between the US Department of Commerce and the Internet Corporation for Assigned Names and Numbers (ICANN), which came into force on 1 October, and the 4th meeting on the Internet Governance Forum (IGF) in Egypt in November 2009.

# Internet governance: the next steps

2009/2229(INI) - 15/06/2010 - Text adopted by Parliament, single reading

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.

# Internet governance: the next steps

2009/2229(INI) - 18/06/2009 - Non-legislative basic document

PURPOSE: to define the next steps for Internet governance.

CONTEXT: governance of the Internet is a crucial public policy priority. Since the Internet became (from the mid 1990s) a truly global communications platform, governments have increasingly found themselves challenged with a whole host of public policy issues, ranging from finding ways to ensure their own citizens can fully benefit from the Internet's potential, to dealing with inappropriate or illegal content, the need for appropriate consumer protection measures and addressing problems of jurisdiction in an increasingly globalised on-line world. Currently, Internet usage and penetration is now so high, especially in developed countries such as those of the EU, that it has become a **critical resource**, where any serious disruption in service can have potentially catastrophic effects on society and the economy. Most Internet users in the EU therefore have a **legitimate expectation about the reliability of 'their Internet'.** Users will also inevitably turn to their governments if there is any major national disruption to their Internet service, and not to the various Internet governance bodies responsible for coordinating resources.

The EU has been in the forefront of international discussions on the management of the Internet since such discussions first began. The earliest communication from the Commission on this subject came in 1998 and the EU was a leading actor in the discussions on Internet governance in the context of the World Summit on the Information Society (WSIS) between 2003 and 2005.

In addition, the EU was an active and influential actor in the international discussions surrounding the setting-up of the Internet Corporation for Assigned Names and Numbers (ICANN) in the late 1990s and the shaping of the objectives for the organisation. The Commission Communication in April 2000 on the organisation and management of the Internet and the Council Resolution of 3 October 2000 noted, however, that the objectives which the EU had set itself on domain name management were not fully achieved. In the interim, it is important to note that the EU initiative to set up its own Top Level Domain '.eu' has been a major success, with more than 3 million EU domain names registered to date.

CONTENT: the main points of the Communication are as follows:

**(1) Internet governance principles**: the experience of the last 10 years demonstrates the viability of the policy approach advocated by the EU for Internet governance so far. The Commission believes in maintaining the EU's strong emphasis on the need for **security and stability of the global Internet, the respect for human rights, freedom of expression, privacy, protection of personal data and the promotion of cultural and linguistic diversity**. In addition, the key principles enabling the success of the Internet promoted by the EU remain:

- the open, interoperable and 'end-to-end' nature of the Internet's core architecture must be respected. This was stressed by the Council in 2005 and reiterated in 2008;
- private-sector leadership of day-to-day Internet management needs to be maintained but private bodies responsible for the coordination of global Internet resources need to be accountable to the international community for their actions. The role of governments should be mainly focused on principle issues of public policy, excluding any involvement in the day-to-day operations;
- the multi-stakeholder process on Internet governance continues to provide an inclusive and effective mechanism for promoting global cooperation and needs to be further encouraged;
- governments need to fully interact with such multi-stakeholder processes, with stakeholders accepting that it is governments alone who are ultimately responsible for the definition and implementation of public policies;
- Internet governance arrangements need to be fully inclusive, addressing the urgent need to improve the participation of developing countries in the key governance decision-making fora.

**(2)'Accountability' in the ICANN context**: at the moment it is ICANN (Internet Corporation for Assigned Names and Numbers (ICANN), a private-sector organisation established in the United States, that ensures the coordination of these resources. ICANN has now completed its first ten years. In September 2009 the latest in a series of agreements between ICANN and the US government regarding its objectives will come to an end. It is an appropriate time therefore for the EU to review the progress of ICANN to date, and to identify what changes if any may be desirable. The indication by the US government in 2006 that the current agreement should be the last such agreement with ICANN was largely welcomed by the international community (including the EU). At the same time, the US government has consistently indicated that it will maintain effective control of the coordination of key global naming and addressing functions and this is likely to mean that the problem regarding the 'unilateral oversight' of such resources will remain unresolved. The document discusses the question of accountability in the ICANN context. Accountability means an organisation such as ICANN being answerable for its decisions. ICANN has recently devoted significant efforts to reviewing arrangements for its internal accountability — i. e. the accountability to those who actively participate in each of the various ICANN constituencies. The problem is that the vast majority of Internet users do not participate in ICANN activities. There is therefore a need to ensure that ICANN is accountable externally to the global Internet community, which in the first instance (partly by virtue of the absence of alternatives in many countries) means being accountable externally to the governments of the various countries of the world. The only external accountability that ICANN currently has is to the US government under the JPA and the IANA contract, but this provides only for unilateral accountability to a single government. The stability and management of the root zone file is, however, a matter of crucial importance not just to the US government but to all countries of the world. However, there is no international consensus on the creation of a new intergovernmental organisation to exercise such oversight or on the delegation of such responsibilities to any existing organisation. An alternative would be to make ICANN externally accountable so that each government can exercise in their own interest those responsibilities which should properly sit at their level.

**(3) Moving the agenda forward**: the Commission proposes that the **EU should actively engage its international partners in discussions on how to stimulate and support intergovernmental dialogue and cooperation** to implement the public policy principles agreed for Internet governance in the WSIS beyond the existing work carried out through action lines. The starting point for such discussions should be the need to maintain private-sector leadership in all matters of the day-to-day management of the Internet. The multi-stakeholder process must also be encouraged wherever possible. At the same time, public policies for key global Internet resources (especially those that require global coordination) need to be based on multilateral intergovernmental cooperation. One element of an evolution of the current governance system could be the **completion of an internal ICANN reform leading to full accountability and transparency**. As regards external accountability, the current arrangements for unilateral oversight in regard to ICANN

and IANA need to be replaced with an alternative mechanism to ensure that ICANN has multilateral accountability. This should be part of an evolutionary approach to allow governments to duly exercise their responsibilities. In this context, the question will need to be addressed of how to ensure that the legal character of ICANN's incorporation in California does not prevent proper account being taken of governmental input.

In addition, the EU should take a leadership role in working towards the goal of increased security and stability of the Internet by initiating dialogue with international partners.

Lastly, the Commission proposes that the EU should seek to initiate discussions with the US government on **how a more equitable arrangement might be found for oversight of the management of IANA** which respects the national priorities of the US while at the same time reflecting the legitimate expectations and interests of the international community.