

Tuesday 15 June 2010

Internet governance: the next steps

P7_TA(2010)0208

European Parliament resolution of 15 June 2010 on internet governance: the next steps (2009/2229(INI))

(2011/C 236 E/05)

The European Parliament,

- having regard to the Commission Communication entitled 'internet governance: the next steps' (COM(2009)0277),
- having regard to the Commission Communication entitled 'Protecting Europe from large scale cyber-attacks and disruptions: enhancing preparedness, security and resilience' (COM(2009)0149),
- having regard to its resolution of 14 October 1998 on globalisation and the information society: the need for strengthened international coordination ⁽¹⁾,
- having regard to its resolution of 19 February 2001 on the organisation and management of the internet - international and European policy issues 1998-2000 ⁽²⁾,
- having regard to its resolution of 2 April 2001 on the next generation internet: the need for an EU research initiative ⁽³⁾,
- having regard to its resolution of 23 June 2005 on the information society ⁽⁴⁾,
- having regard to its resolution of 15 December 2005 on human rights and freedom of the press in Tunisia and evaluation of the World Summit on the Information Society in Tunisia ⁽⁵⁾,
- having regard to its resolution of 6 July 2006 on freedom of expression on the internet ⁽⁶⁾,
- having regard to its resolution of 17 January 2008 on the second Internet Governance Forum, held in Rio de Janeiro from 12 to 15 November 2007 ⁽⁷⁾,
- having regard to its recommendation to the Council of 26 March 2009 on strengthening security and fundamental freedoms on the Internet ⁽⁸⁾,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on the Internal Market and Consumer Protection, the Committee on Culture and Education, the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs (A7-0185/2010),

⁽¹⁾ OJ C 104, 14.4.1999, p. 128.

⁽²⁾ OJ C 343, 5.12.2001, p. 286.

⁽³⁾ OJ C 27 E, 31.1.2002, p. 84.

⁽⁴⁾ OJ C 133 E, 8.6.2006, p. 140.

⁽⁵⁾ OJ C 286 E, 23.11.2006, p. 495.

⁽⁶⁾ OJ C 303 E, 13.12.2006, p. 879.

⁽⁷⁾ OJ C 41 E, 19.2.2009, p. 80.

⁽⁸⁾ Texts adopted, P6_TA(2009)0194.

Tuesday 15 June 2010

- A. whereas the internet is a critical global means of communication with a tremendous impact on society as whole,
- B. whereas internet governance involves issues relating to protection and guarantee of fundamental rights and freedoms, access to and use of the internet and its vulnerability to cyber attack, etc.,
- C. whereas cybercrime is posing an increasing threat to societies that rely on ICT, and whereas incitement to commit terrorist attacks, hate-based crimes, and child pornography have increased and are endangering individuals including children,
- D. whereas the intersection between cybercrime, internet jurisdiction and cloud computing as an emerging internet governance aspect at the European level is of great importance,
- E. whereas aspects of internet governance concern internet addressing and other predominantly technical issues, in which areas entities such as the Internet Corporation for Assigned Names and Numbers (ICANN), the Internet Assigned Numbers Authority (IANA), the Internet Engineering Task Force (IETF), the Regional Internet Registries and other entities are active,
- F. whereas, in connection with internet governance, the private sector has so far had a prevailing and positive guiding role; whereas, however, the role of public bodies should be strengthened when defining overall strategy,
- G. whereas governments have an important role regarding broader governance aspects in defence of the public interest, in particular to protect and guarantee fundamental rights and freedoms, as well as regarding the security, integrity and resilience of the internet, while the private sector assumes a crucial role in providing the necessary investment, expertise and entrepreneurial initiative,
- H. whereas the global Internet Governance Forum (IGF) and various national and regional fora are important arenas for multi-stakeholder internet policy dialogue,
- I. whereas the European Parliament and the other European institutions have a long-standing commitment to the internet as an open global public good,
 1. Considers that the internet is a global public good and as such its governance should be exercised in the common interest;
 2. 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;
 3. Recalls that the internet has become an indispensable tool for promoting democratic initiatives, political debate, digital literacy and the dissemination of knowledge; reiterates that access to the internet both guarantees and depends upon the exercise of a number of key fundamental rights including, but not limited to, respect for private life, data protection, freedom of expression, speech and association, freedom of the press, political expression and participation, non-discrimination, education and cultural and linguistic diversity; 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 - particularly the elderly, who face more problems in familiarising themselves with the new technologies - while simultaneously attacking the twin challenges of e-illiteracy and democratic exclusion in the electronic age;
 4. Underlines especially the need to enhance the evolution of 'bottom-up' approaches and of e-democracy, while simultaneously ensuring that significant safeguards are established against new forms of surveillance, control and censorship by public or private actors, so that the freedom of internet access and the protection of private life are real and not illusory;

Tuesday 15 June 2010

5. Underlines the need to protect and promote the European cultural heritage, including through the internet; takes the view that the internet plays a vital role in stimulating innovation and reducing the digital, social and cultural divide in Europe by comparison with other parts of the world; welcomes the fact that the Commission understands the importance of 'bridging the digital divide' and the development issues involved in internet governance; considers, however, that the focus must also be on the many older citizens in both the developed and developing world who often feel left behind in this new online world; notes that the internet can be an effective tool of social inclusion and that our older citizens must be included; urges 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;
6. 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; stresses in this context the need for appropriate protection of consumers and intellectual property rights holders on the internet; also stresses that internet users' civil rights and freedoms must be guaranteed; recognises the importance of the internet as a way of providing information on and promoting consumers' rights;
7. 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;
8. 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 European Union; further calls for these countries to be granted greater influence in shaping internet governance policy;
9. Considers that, to safeguard the EU interest in maintaining the internet as a global public good, 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;
10. Underlines that the values on which the Union is founded, as expressed in Article 2 of the Treaty on European Union, are core values and end goals of the European Union; calls on the European Commission and the Member States therefore to ensure that all activities related to internet governance comply with these values and goals, in particular in those global internet governance fora where countries whose values differ greatly from those of Europe take part; considers that, in the interest of avoiding conflict, international dialogue should be stepped up with these countries in the area of internet regulation;
11. Considers 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;
12. Considers that governments should avoid involvement in day-to-day internet management, abstain from harming innovation and competition by unnecessary, burdensome and restrictive regulation and not try to control what is and should remain a global public property;
13. Calls 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; insists on safeguarding an open internet, where users are able to access and distribute information or run applications and services of their choice as provided for by the reformed electronic communications regulatory framework;

Tuesday 15 June 2010

14. 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; stresses that protection of minors must be guaranteed, and invites Member States to also take measures, for example using the public interest notice system available under Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC, Directive 2002/58/EC and Regulation (EC) No 2006/2004 as regards users' rights (Citizens' Rights Directive) ⁽¹⁾ 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;

15. Calls 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 on the internet;

16. Takes also into consideration the special need to protect vulnerable persons, particularly minors, through a joint action by public and private stakeholders; reiterates that when combating cybercrime and child pornography, criminal content should be deleted at the source before considering websites being blocked;

17. Considers that, in addition to the governance principles set out by the Commission, governments should also implement the following principles:

- (i) transparency, multilateralism, democracy and protection of fundamental rights and freedoms meeting EU standards;
- (ii) respect for an open, interoperable, technologically neutral and 'end-to-end' nature of internet infrastructure,
- (iii) external public accountability of private-sector entities managing global internet resources on a day-to-day basis,
- (iv) promotion of global internet governance through interaction with and further encouragement of multi-stakeholder processes, also addressing the need to improve the participation of developing countries;
- (v) protection of the integrity of the global internet and freedom of communication by avoiding any regional measures, such as revocation of IP addresses or domain names in third countries;

18. Stresses that the EU should develop a consensus implementation of the fundamental principles of internet governance and defend it firmly in international fora and bilateral relations;

19. Welcomes the internet governance aspects of the Spanish Presidency's 'Granada Strategy', and the provisions of Parliament's report on a new Digital Agenda for Europe: 2015.eu ⁽²⁾ on drawing up a European Charter of Citizens' and consumers' rights in the digital environment and developing a 'Fifth Freedom' that enables the free circulation of content and knowledge;

20. Notes the US government's new 'internet Policy 3.0' announced on 24 February 2010;

21. Stresses 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,

⁽¹⁾ OJ L 337, 18.12.2009, p. 11.

⁽²⁾ Texts adopted, P7_TA(2010)0133.

Tuesday 15 June 2010

- (ii) European dependencies 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; calls on the Commission to submit a proposal for the adaptation of the Data Protection Directive to the current digital environment;
22. Calls on Member States, in coordination with the Commission, to ensure protection of internet infrastructure against threats and incidents through a harmonised EU approach and by completing the establishment of national emergency response teams and cooperation mechanisms between them;
23. Calls on the Commission and Member States to step up their efforts towards increasing the security of cyberspace within the EU as well as adequately participating in the international cooperation on this issue and stresses the need for a multi-stakeholder approach to provide a better understanding and awareness of cybercrime jurisdiction and cloud computing, based on an equal level basis and the establishment of clear obligations and responsibilities for each of the stakeholders;
24. Stresses the importance of the security of electronic services, especially of electronic signatures, and of the need for the creation of the Public Key Infrastructure (PKI) at Pan-European level, and calls on the Commission to set up a European Validation Authorities Gateway in order to ensure the cross-border interoperability of electronic signatures and to increase the security of transactions carried out using the internet;
25. Calls on the Commission to provide clear guidance to Member States that have not ratified and implemented the Council of Europe Convention on Cybercrime in order to engage all Member States in a cooperative effort to fight cybercrime and spam, to enhance users' confidence and to secure the European Union's cyberspace against all kinds of crimes and offences; urges all Member States to ratify and implement the Council of Europe Convention on Cybercrime;
26. Calls on all Member States 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;
27. 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 Organisation for Economic Co-operation and Development, the United Nations and the Council of Europe on improved legislative frameworks and national coordination;
28. 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;
29. Stresses the need to find a suitable balance between protecting users' privacy and recording personal data;
30. Deplores 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;

Tuesday 15 June 2010

31. Observes that transparent and responsible internet management can play an important part in supervision of the way in which search engines handle information worldwide;
32. Calls on the Commission to present a proposal to extend the application of Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) ⁽¹⁾ 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;
33. Supports the promotion of the 'privacy by design' principle, according to which privacy and data protection requirements should be introduced as soon as possible in the life cycle of new technological developments, assuring citizens a safe and user-friendly environment;
34. Points out that website security certification is becoming necessary to give consumers greater confidence in accessing online information and services;
35. Stresses that EU institution, bodies and Member States should coordinate their approach 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);
36. Stresses the role of the European Network and Information Society Agency (ENISA) in the creation of a single European information space; notes that ENISA can play an important role, in particular with respect to preventing, addressing and responding to network and information security problems, and welcomes the Commission's forthcoming proposal for modernising ENISA;
37. Underlines the need to further increase the effectiveness of ENISA by:
- 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;
 - drawing the attention of decision-makers to new technologies in security-related areas;
 - developing forums for information-sharing and provide support to Member States;
38. Emphasises that ENISA's support is focused on Member States with particular needs and recommends that ENISA continues developing forums for sharing of information between Member States and others;
39. Considers that the Commission has a central role to play in initiating and coordinating all aspects relating to the internal EU organisation to ensure a coherent EU approach, including with respect to the IGF;
40. Suggests the Commission should build capacity for genuine European civil society representation in international internet governance fora and internet standards organisations or consortia;
41. Requests the Commission to facilitate the adoption of a coherent and comprehensive EU approach at 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;

⁽¹⁾ OJ L 199, 31.7.2007, p. 40.

Tuesday 15 June 2010

42. Supports the continuation and development of the IGF model on a global, regional - including EuroDIG - and national level, by preserving its main characteristics as a non-binding multistakeholder process and remaining as open fora for dialogue and exchange of best practices between governments, civil society and the private sector and a new form of participatory democracy;
43. Stresses the importance of co-opting Asian actors in talks on internet governance, taking account of the specific nature of the Asian market;
44. Stresses the need also to involve end consumers in the process of creating a model of governance, placing the emphasis on cooperation between universities and the business world at local, regional and national level;
45. 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);
46. Supports the work of the Commission and the Spanish and Belgian Presidencies as regards the Vilnius IGF meeting in September 2010, and calls for an increased participation of the European Parliament;
47. Supports in general the Commission's position in favour of the current ICANN management model based on private-sector leadership;
48. Recognises that ICANN has succeeded in guaranteeing the stability of the Domain Name System;
49. Supports the continuation of the recently started process by ICANN to assign domain names in alphabets different from the Latin alphabet;
50. Calls for a new generic top-level domain for cultural organisations, outlets, media and artists, for example, '.culture' or '.art';
51. Calls for greater accountability of private companies which register and distribute domain names, carrying out a service which society has become largely dependent upon; considers in this context that there is a need to establish a common set of criteria to follow, with a view to increasing transparency and ensuring that such companies take on increasing responsibilities;
52. Calls on the.eu registrar EURid to conduct a thorough media and on-line campaign to promote the.eu domain across the Member States to facilitate the development of a European on-line environment based on the values, characteristics and policies of the European Union;

Tuesday 15 June 2010

53. Underlines the importance of the GAC in ICANN's policy-making process and recommends that the effectiveness of the GAC is strengthened among other things through the establishment of a secretariat with adequate support capabilities; and considers it important for each EU Member State to take an active part in the work of this committee;

54. Considers that improvements to ICANN should be made by:

- (i) the introduction - while reviewing the performance of existing dispute resolution mechanisms (Independent Review Panel and ICANN Ombudsman) - 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);

55. Endorses the Commission's view that IANA arrangements should include mechanisms for multilateral accountability, and affirms that in future no single government should exercise a dominant influence over IANA, this function instead being subject to progressive internationalisation leading to multilateral oversight;

56. Considers that the 2009 'affirmation of commitments' can constitute a positive basis for further development of ICANN, while emphasising that:

- (i) the EU, primarily through the Commission, should play an active part in implementation, including through the review panels and by ensuring that the members of those panels are independent, have no conflicts of interest and represent different regions,
- (ii) following public comment, recommendations by the review panels should be implemented by ICANN and reasons given in the event that it does not do so;

57. Requests the Commission to provide the European Parliament and Council with yearly reports on internet governance-related events during the preceding year, with the first such report to be provided by March 2011;

58. Instructs its President to forward this resolution to the Council, the Commission and the Member States.
