

Internet Legislation In View of Council of Europe Recommendations and Declarations

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Council of Europe Fundamentals on Internet Regulation

- Priority Importance of **Human Rights**
- **Multi-Stakeholders** Approach
 - State
 - Business
 - Civil Society / Users
- **Cross-Border** Internet Issues
 - Infrastructure
 - Core Route Servers; IP-Addresses; DNS etc.
 - Network Neutrality
 - Information Flows



Human Rights

- Article 1 of the European Convention on Human Rights
 - Parties shall “secure to everyone within their jurisdiction” the rights and freedoms protected by the Convention
 - Council of Europe standards and values apply to both offline and online environments
- Fundamental rights: respect of private life, freedom of expression, access to information
- Electronic communication networks = basic tools for the free exchange of ideas and information
 - Users should have the greatest possible access to Internet-based content, applications and services of their choice, whether or not they are offered free of charge, using suitable devices of their choice



Digital Agenda

- Growing numbers of people rely on the **Internet** and information and communication technologies (ICTs) as **essential tools for their everyday activities**
 - People therefore expect the Internet and the ICT infrastructure and services to be accessible, affordable, secure, reliable and ongoing. Consequently, the Internet and other ICTs have high public service value
- Emphasis is also placed **on users as active participants** in, and competent contributors to, the **development of the digital society and innovation**.
 - Considerable importance is attached to empowering users to fully exploit the economic, social and cultural opportunities and benefits offered by the Internet and ICTs.
- Develop further **creation, production and dissemination of creative content**, including that of a cultural and journalistic nature in the online environment. In this respect, they signal *inter alia*, the need to embrace innovative intellectual property-related business models.
 - Relevance of public policies on the digitisation and dissemination of European cultural heritage for the promotion of the fundamental values of pluralism and of cultural and linguistic diversity
- Council of Europe **values of human rights, democracy and the rule of law are essential** in the building of an inclusive and open **pan-European digital society**
 - Council of Europe will contribute to achieving this objective in the context of its work



Internet Protocol(s)

- Access to Internet resources is indeed **crucial for the exercise and full enjoyment of the fundamental right to freedom of expression and access to information.**
 - Lack of users' confidence in respect of their privacy may discourage full participation in online activities.
- Internet **protocol addresses are essential** for the functioning of the Internet
- To the extent that information on users' activities and communications, and traffic data, amount to **personal data**, they should be treated and used in full compliance with the requirements of the right to respect for private life guaranteed under Article 8 of the Convention on Human Rights and the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data
- Internet protocol version 4 (IPv4) addresses are a **scarce resource**, nearing exhaustion
 - This scarcity of addresses will be resolved by the new Internet protocol version 6 (IPv6) which offers a far larger address space.
 - However, IPv6 is not backwards compatible with IPv4.
- States can make a **considerable contribution** to the transition both in the context of their own responsibility **for implementing IPv6 in the public sector** and by **fostering greater synergy among non-state actors in the adoption of IPv6** in their activities.
 - Internet protocol address resources should be regarded as shared public resources and allocated and managed in the public interest by the entities entrusted with these tasks taking into account the present and future needs of Internet users



Network Neutrality

- General principle of **network neutrality**, should apply irrespective of the infrastructure or the network used for Internet connectivity
- In so far as it is necessary in the context described above, traffic management should not be seen as a departure from the principle of network neutrality
 - However, exceptions to this principle should be considered with **great circumspection** and **need to be justified by overriding public interests**
- Users and service, application or content providers should be able to gauge the impact of network management measures on the enjoyment of fundamental rights and freedoms (freedom of expression) and to impart or receive information regardless of frontiers, as well as the right to respect for private life.
 - Those measures should be **proportionate, appropriate** and **avoid unjustified discrimination**; they should be subject to **periodic review** and **not be maintained longer than strictly necessary**.
 - Users and service providers should be **adequately informed** about any network management measures

Спасибо за внимание!

**Thank you
for your attention!**



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