Council of the European Union

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NOTE

from:	Presidency
to:	Delegations
No. Cion prop.:	6460/14 TELECOM 45 DEVGEN 26 CYBER 9
Subject:	Internet Governance
	- Draft Council conclusions

Delegations will find in Annex draft Council conclusions on Internet Governance as prepared by the Presidency.

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Draft Council Conclusions on Internet Governance

THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMING:
   - The Communication from the Commission on "Internet Policy and Governance - Europe's role in shaping the future of Internet Governance";
   - The final declaration of the NetMundial Multistakeholder meeting held in Sao Paulo (23 and 24 April 2014) which it considers as a good basis for developing a multistakeholder community;
   - The United Nations General Assembly (UNGA) resolution of 31 July 2014 on the "Modalities for the overall review by the General Assembly of the implementation of the outcomes of the World Summit on the Information Society";

2. TAKING INTO ACCOUNT
   - The statement by the National Telecommunications Information Administration (NTIA) on 14 March 2014, announcing its "Intent to Transition Key Internet Domain Name Functions" by September 2015;
   - The results of the EU Informal Council Ministerial Meeting of 3 October 2014 and the subsequent EU Council Presidency statement.

3. RECALLING
   - that the Council resolution of 3rd October 2000 on "the organization and management on the Internet" noted that "*a number of important issues currently remain unsolved, in particular the nature of arrangements for balanced and equal oversight of some of ICANN's activities by public authorities*" and invited member states to "*securing genuine globalization of Internet management*";
   - the lack of progress towards more multilateral, democratic and transparent Internet governance since WSIS 2005 and the failure of the enhanced cooperation process established by the Tunis Agenda (WSIS 2005);
   - the need to strengthen the structure and funding of the Internet Governance Forum, established by the Tunis Agenda (2005) and its interaction with the relevant international fora dealing with Internet governance issues;
   - that technical details of Internet protocols and other information technology specifications can have significant public policy implications notably as regards users' data protection rights and security, their ability to access diverse knowledge and information, and their freedom of expression online.

4. OBSERVING
- that a continued loss of confidence in the Internet and its current governance could slow down innovation and the growth of the European economy and that it could also lead to new regional and national governance structures that might lead to a fragmentation of the Internet;
- that the European Union has built a legal framework to ensure the respect of fundamental rights and freedoms in the digital world;
- that the programme of new gTLD by ICANN has shown the limitation of ICANN functioning and model;
- The growing number of conflicts of jurisdiction and ensuing risks on "EU acquis", notably as regards data protection and geographical indications, generated by some decisions taken by technical organizations in charge of Internet governance.

5. REAFFIRMING:
- the EU's determination to act as a coherent partner in the Internet governance debate, in line with the importance of the Internet for the European economy and society
- its vision of Internet as a single, open, free, un-fragmented network, subject to the same laws and norms that apply in other areas of our day-to-day lives, where individuals can benefit from their rights, and from judicial remedies when those rights are infringed;
- its commitment, in order to strengthen trust, to promote multistakeholder governance structures that are based on a coherent set of global Internet governance principles, consistent with fundamental rights and democratic values;
- its understanding that a genuine and inclusive multistakeholder governance refers to the development and applications by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures and shall respect the sovereignty of all EU Member states and the "EU acquis";
- the necessity for an urgent globalisation of all Internet core decisions and bodies, especially of the IANA function and of ICANN, including through a revised Affirmation of Commitments;
- that the overall robustness and stability of the global Internet as well as the security and stability of the domain-name system should be maintained and strengthened irrespective of any proposed changes to the current Internet governance model;
- the needs to speak and act with one voice delivering common and consistent messages on the Internet Governance debate with particular attention to the IANA function transition and the strengthening of ICANN accountability, as outlined in the results of the EU Informal Council Ministerial Meeting of 3 October 2014

6. INVITES MEMBER STATES AND THE COMMISSION TO:

- develop coordinated EU positions by working closely together in relevant fora and organisations dealing with Internet governance issues and reflecting these positions in common and consistent messages, while preserving their individual rights and prerogatives;
- continue close consultation and collaboration with all stakeholders and with partners world-wide, including developing countries;
- promote therefore technological, policy and regulatory capacity-building related to the Internet;
- Including through the support of development cooperation programmes, engage in the exchange of best practice, in capacity building, and the promotion of multistakeholder processes as this would be beneficial to enlarging the participation of as many countries and regions as possible to global fora on Internet issues .
- be fully committed to the success of the "WSIS+10" process that should decide on improvements to be made on institutional and legal framework of worldwide Internet governance ;
- work with partners to rebuild trust in the Internet, including through the strengthening of its global governance, which is an essential prerequisite for a sustainable future for an open Internet;
- promote multi-stakeholder governance structures that are based on clear rules that respect fundamental rights and democratic values;
- in this respect, endorse and promote NetMundial principles in relevant international fora;
- consider options for action, at the Union or international level, in order to prevent conflicts of laws and jurisdictions in relation with Internet principles and to solve these conflicts;
- foster a cooperative governance framework and a globalisation of core Internet discussions, decisions and bodies:

    o strengthening the Internet Governance Forum taking into account the recommendations of the Working Group on improvements to the IGF;
    o contributing to a global reform of ICANN (status, governance, mandate) in order to make it genuinely multistakeholder, inclusive and global, accountable and transparent, so as to ensure that proper checks and balances are in place
    o defining guidelines for entities in charge of Internet protocol and other information technology specifications whose decisions may have significant public policy implications on rights such as users' data protection rights and security;
    o encouraging all stakeholders to strengthen mechanisms to allow regular, early and truly inclusive upstream participation, review and comment in technical decisions. These mechanisms should also contribute to the consistency of technical decisions with fundamental rights in accordance with international treaties.

7. INVITES THE COMMISSION TO:
- convene a NetMundial follow-up meeting in Europe before the end of June 2015;
- continue the development of its Global Internet Policy Observatory as a resource for the global community;
- report on progress on the key elements outlined in its Communication of February 2014 in good time, taking into account the schedule of the preparatory process towards UNGA "WSIS+10" high level event.

8. WILL REVIEW these conclusions before the end of June 2015 in order to refine its main objectives towards UNGA "WSIS+10" high level event

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