

HLIG meeting, 18 February 2014

Meeting Report

1. Chairing-attendance

The HLIG meeting was chaired by Linda Corugedo-Steneberg (LCS), Director for Cooperation in DG CONNECT and was attended by 23 HLIG Members (AT, BE, CZ, DE, DK, EE, EL, ES, FI, FR, IT, LU, LV, HR, MT, NL, PO, PT, SE, SI, UK, CH, NO) + EEAS + EP IMCO.

2. Commission Communication on Internet Policy and Governance

The main issue discussed in the HLIG was the Communication of the Commission on Internet Policy and Governance. LCS mentioned that Europe needs to put forward a credible evolutionary path for a sustainable evolution of the Internet and of its governance. This Communication is based on four core points:

- highlighting the "middle way" as the European approach, neither nationalising the Internet nor denying public authorities their status as a key stakeholder, enhancing inclusiveness by engaging all countries and stakeholders in a multistakeholder context, and clearly defining the roles of public authorities and stakeholders in Internet Governance.
- strengthening the multi-stakeholder model of Internet governance by making actors and processes more inclusive, transparent and accountable.
- moving towards a real globalisation of key Internet functions, in particular ICANN and the IANA functions. This must be done while safeguarding the stability, security and resilience of the Internet.
- working towards a coherent set of Internet Principles which safeguard an open, un-fragmented Internet with full respect for human rights.

The Communication was the result of extensive preparations and discussions, both within EU Institutions, with the HLIG, and via our numerous exchanges with the global stakeholder community throughout these past years – including most recently via a public online engagement. The Commission does not believe that top-down approaches are the right answer and does not call for new legal instruments, not wanting the UN or the ITU to "take-over". The most important thing is to quickly come to an agreement on the political objectives.

The large majority of members (NO, SE, ES, PO, UK, FR, DE, DK, EL, CH, NL, PT, SI, FI) who took the floor congratulated the Commission for the Communication, which would be a good basis for discussions towards the Sao Paulo meeting.

NO shared the vision of the Communication giving full support to strengthening the multi-stakeholder model by engaging more stakeholders and more governments, resulting in more legitimacy for the key Internet organisations. NO also mentioned it is important to foster greater trust in using the Internet, highlighting in particular the link between cybersecurity and Internet governance. NO concluded that principles must include promotion of fundamental rights and democratic values.

SE agreed with the gist of the messages but had some issues with the specifics: it was unfortunate that the communication was seen as the message of the "European Union" and not of the "European Commission". SE looked forward to discuss the communication in the relevant Council formations. SE also provided comments on the ten bullets, challenging the content of bullets 6, 8 and 9. On bullet 6 (clarifying roles) SE noted that making definitions that are complete and not overlapping will prove to be difficult. Other countries will want to define the role of stakeholders. On bullet 8 (standard setting processes) needs to recognise that the multi-stakeholder system already works quite well and on bullet 9 (common understanding of appropriate forms of self- and co-regulation) was considered too ambitious by SE.

ES asked the Commission how it thought it might be possible to address the internationalisation of ICANN / IANA functions without drafting a new multi-lateral agreement.

PL indicated that it did not yet have an official position on the Communication, having launched a broad public consultation. That said, the need for cooperation among Member States was recognised, notwithstanding the need for clarity yet on who should lead. PL also enquired about the relationship between the Communication and the ten principles.

UK was pleased with the affirmation of no new legal instruments, and stressed that all stakeholders should have an equal footing. UK is very supportive on the objective of the globalisation of the IANA functions and ICANN so long as it was in an evolutionary, not a revolutionary, process. The UK was also pleased with the recognition of the need for the EU to play a supportive role for developing countries.

FR felt that the Communication had put the right questions on the table. FR concurred with ES on the issue of the globalisation of the IANA function and ICANN stressing the importance of setting a timetable. FR indicated that it was happy to make proposals.

DE were positive to the content although no formal position yet. DE asked to what extent this paper will be used in further discussions and whether a formal European position for all these issues was needed. According to DE it is important to have a common basis, but it's also important that Member States are able to bring their own position from their national perspective.

DK were very happy with the Commission's text. Even though there is not a final position yet at first glance DK likes the communication and supports the overall principles and objectives

proposed. DK also asked about the follow-up - whether a formal position from the Council is needed and asked the EL Presidency for its intentions to follow-up to this Communication.

In response, EL asked the Commission for an indication of its expectations regarding follow up in the Council. EL would be discussing the issue in the PermRep the same evening (18.2.2014) in view of the TTE CWG on 21.2.2014 and in the Cyber-Friends of Presidency on 24.2.2014. Any information from the Commission side would be useful.

CH liked the "middle" position. The Communication was a good basis for a European position, underlining the question of globalisation of ICANN and IANA functions.

NL mentioned that it is important to have a common European position and fully supported the strengthening of the multi-stakeholder approach and the setting of principles. NL indicated we should really seek Council Conclusions on the communication. NL also indicated that it will launch a public consultation on the Communication.

PT was working on its position but was broadly in agreement. The key element was that Europe must have a clear and strong position on such an important topic so political support behind the document is important through Council involvement.

SI was considering launching a public consultation on the Communication. In general, SI is in favour of a globalised, multi-stakeholder Internet governance model.

FI shared the overall values and approach of the Commission. Like SE, FI did not like that the Communication was seen as a "European Union" position. FI felt that "operationalizing the IGF" was a very sensitive question as was the globalisation of the IANA function. FI would like to see more references to developing countries and mentioned its intention to return with comments in the Council Working Group (CWG).

After this round of comments, the Commission (LCS) confirmed that the bullets were an extraction from the Communication before it was adopted (necessary as the deadline for comments to the Sao Paulo conference was 1st March).

On globalisation of the IANA and ICANN the Commission noted that there were several options, and that the CEO of ICANN has already spoken several times about this. The best option would be for the US itself to come forward with a proposal. It is not in our interest to land on a particular solution right now. UK put it very well – evolutionary not revolutionary.

Concerning the Council approach this is the hands of the Member States. The Commission would participate in both the TTE CWG and the Cyber-FoP (Friends of the Presidency) to present the communication.

3. Taking stock of Internet governance developments

LCS clarified that the Commission is committed to the ten bullets circulated to the Group in January (which underlined the intention to promote an Internet governance model that was global, inclusive, open and legitimate), with the particular intention of using them for the Sao Paulo meeting in April and the High level meeting in London.

The EU continues to be in favour of a multi-stakeholder model for Internet governance and it has set as its objective to bridge the gap and find workable solutions.

DE referred to the German cyber commissioner Brengelmann's mission to Sao Paulo two weeks ago where they met with the ccTLD and BR officials who provided some information about the Conference: attendance is expected to be limited at 800 and for the moment everybody can apply. DE confirmed they are part of the High level MS committee.

LCS welcomed the circulation by DE and FR of draft papers on Global Internet Principles to be used as „food for thought“ for the preparations of the Brazil Conference.

4. Preparations for the Brazil event at the end of April

LCS announced that Commission VP Neelie Kroes will also participate in the Sao Paulo conference as a member of the High Level Multistakeholder Committee. The Commission will also participate in the Executive Multistakeholder committee and called upon the Member States to ensure that Sao Paulo will be successful in delivering Internet principles and a new roadmap.

SE confirmed Carl Bildt's participation to the Sao Paulo conference, as chair of a panel. SE confirmed that Carl Bildt will participate in a personal capacity.

The general feeling among HLIIG members was that there was some confusion concerning invitations. Furthermore as stressed by CH it is difficult for other countries to get information unless they were participating in the High Level Committee. DE and FR confirmed that even though they were invited to participate in the the High Level Multistakeholder Committee, they had not yet decided on the level of Participation.

Other Member States had also not yet decided on the level of participation (NO, UK, ES, CH, PO, PT), i.e. if Ministers would attend the Conference. LCS expressed concern however that if the event was downgraded in the absence of political figures, it may create the risk that important decisions will in the end be taken at the ITU Plenipot in Busan.

For the coordination arrangements leading up to the event it was agreed to hold a teleconference on Wednesday 26 February, following the discussions that were expected to take place in Barcelona. There was also the possibility to coordinate in the margins of the ICANN meeting in Singapore in March and also to organise a short meeting *sur place* in the morning of the Conference. It was agreed to circulate and share any Member State written contributions for reaction from other HLIIG members (eg for 48 hours before being sent to Brazil).

5. GIPO, State of play

The Commission (A. Glorioso) gave an update on GIPO. As planned, the contractor has started work in January and has submitted the "Inception report" that is currently in the process of being reviewed by Commission services in order to assess if it complies with the

requirements set in the terms of reference. Next step will be an Interim Report, which the contractor is expected to submit by the end of February and we should then have the final results of the study by the end of April.

6. IETF issues including HLIG participation in IETF London –March 2013

LCS highlighted the discussions that took place during the last IETF meeting on Internet Hardening, welcoming the IETFs commitment to work on how to make Internet communications less vulnerable.

LCS confirmed that the IETF is organising a special session of seminars for HLIG members on Monday 3 March at their London meeting, all the details having been circulated with the annotated agenda.

The Commission's intention is to engage further with the IETF in the forthcoming HLIG meetings, and invite again key IETF people in our meetings. Internet hardening and the internationalisation of the IANA function are among the priorities we would like to develop further.

7. ITU Meetings (plenipotentiary and WTDC)

The Commission (LCS) mentioned that World Telecommunications Development Conference has now been confirmed for Dubai (rather than Sharm El Sheik) from 30th March to 11th April. Normally WTDCs – held every 4 years – are not very controversial events; however, the possibility exists for some participants to raise again their ambitions for the ITU to have a stronger role on Internet governance. Unlike the WCIT, the WTDC does not have a legally-binding output in the form of a Treaty, so there was no need for a formal EU position to be agreed.

While European coordination is carried out via the CEPT, it is likely that there will also be a need on some issues to have separate EU coordination (e.g. where we have a different position from other CEPT members such as Russia and Turkey). For the WTDC the Commission has arranged for a meeting room to be available throughout the conference for EU coordination and are liaising with EL (Presidency) delegation to put appropriate mechanisms in place to facilitate coordination as and when necessary (i.e. on an ad hoc basis).

With regard to the ITU Plenipotentiary conference, due to be held in Busan, South Korea, over 3 weeks between October and November, there are several more substantive issues which can, one way or another, have an impact on Internet governance.

LCS also informed HLIG members that the Commission has forwarded to the Council two proposals/recommendations for Council decisions regarding the ITU. The first was to seek an enhanced status for the EU in the ITU and the second for a multilateral "bridging" agreement with those countries that signed the 2012 ITRs at the WCIT. These proposals will now be formally discussed in the relevant Council Working Group and the Commission would

encourage HLIIG members to contact their representatives in the Council for more information.

Group members signalled their intentions of participation to the two ITU events. In the case of the Plenipotentiary, most Members have already signalled their intention to participate.

In the case of WTDC, intentions are more varied, with some members intending to have big delegations UK, (over 15 persons) and PO (organising also an event in Dubai) others participating with smaller delegations (CH, CZ, DE, EL, ES, FI, FR,HR, IT,) and other currently not expecting to be able to participate (AT, BE, DK, NL,NO, SE).

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