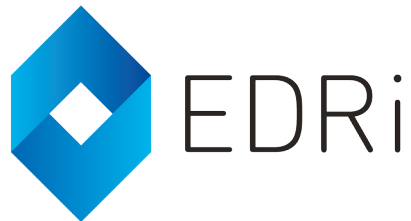# EDRi

ANNUAL REPORT

2015

European Digital Rights was founded in June 2002. EDRi is a network of civil rights organisations from 18 different countries in Europe.

Members of European Digital Rights have joined forces to defend civil and human rights in the information society. The need for cooperation among organisations active in Europe is increasing as more regulation of our digital communications networks is originating from European institutions, or from international institutions with strong impact in Europe.

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Managing Director: Kirsten Fiedler
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Board of Directors

Andreas Krisch
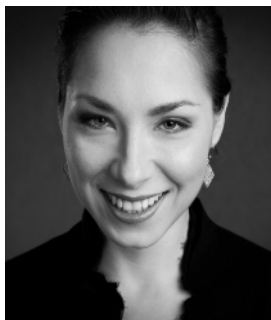
Katarzyna Szymielewicz

Ot van Daalen

Contents

"Terrorists can't destroy our democracies,
only we can do that."

Secretary General of the Council of Europe
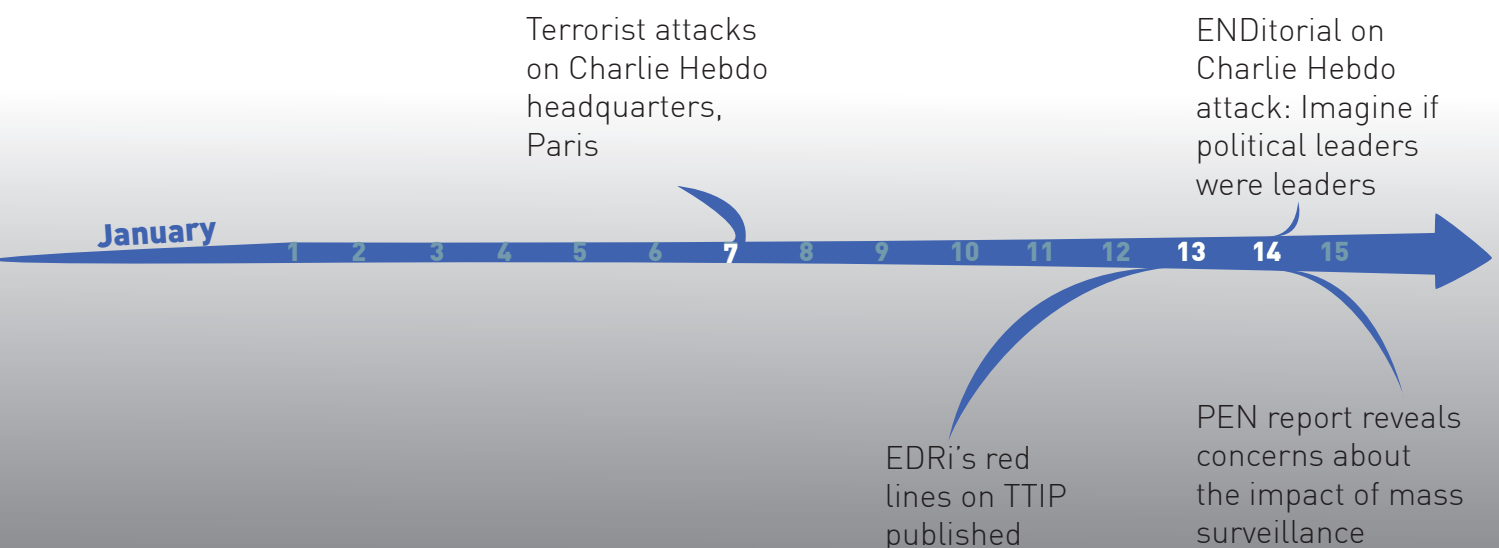Thorbjørn Jagland

The year 2015

Information technology has a revolutionary impact on our society. It has boosted freedom of communication and democracy but has also led to new approaches to surveillance and is increasingly used to impose restrictions on fundamental rights. We work to ensure that citizens' rights and freedoms in the online environment are respected when they are endangered by the actions of political bodies or private organisations.

Sadly, 2015 was a year in which our rights and freedoms were endangered on multiple occasions. In response to the terror attacks in Paris, Europe's governments were quick to react to the tragedy by calling for more surveillance, ignoring the failures of existing measures. At the EU level this meant the rushing of anti-terror measures (Directive on combating terrorism) and a big push for the adoption of the previously-rejected proposal for the monitoring of air passengers (EU PNR).

But there were also successes, especially with regard to data protection and the demise of the "Safe Harbor" agreement. Our key campaigns in 2015 were heavily focused on driving a positive agenda - for a conclusion of the data protection reform package, for the upholding of equal access to the Internet (net neutrality) in Europe, and for a reform of the EU's outdated copyright framework to improve access to knowledge and culture online, thereby indirectly reducing incentives for invasive enforcement mechanisms. We also worked on "voluntary" law enforcement by Internet companies, and trade agreements (both of which are horizontal topics that touch virtually all digital rights issues).

Last but not least, we've been preparing for the future. In March 2015, EDRi's members agreed on a multi-annual strategy and decided on the organisation's focus for the next years.

Our four key priorities 2015-2019 are privacy, surveillance, net neutrality and copyright reform.

Terrorist attacks
on Charlie Hebdo
headquarters,
Paris

ENDitorial on
Charlie Hebdo
attack: Imagine if
political leaders
were leaders

January   1   2   3   4   5   6   **7**   8   9   10   11   12   **13**   **14**   15

EDRi's red
lines on TTIP
published

PEN report reveals
concerns about
the impact of mass
surveillance

4

Data protection and privacy

In 2012, the European Commission published its draft legislative proposals for a comprehensive reform of Europe's data protection rules. The initiative had three priorities – modernisation of the legal framework for the protection of personal data, harmonisation of the rules across the EU (via a single Regulation rather than a Directive that is implemented via 28 national laws) and maintaining existing levels of protection. In March 2014, the European Parliament adopted its first reading legislative resolution on the General Data Protection Regulation (GDPR). The outcome of that stage of the process was a clear success, despite a huge lobbying campaign to weaken the instrument.

In January, we organised our annual Privacy Camp (privacycamp.eu), where civil society actors come together to give talks and participate in strategic discussions. In March, in reaction to leaked documents sh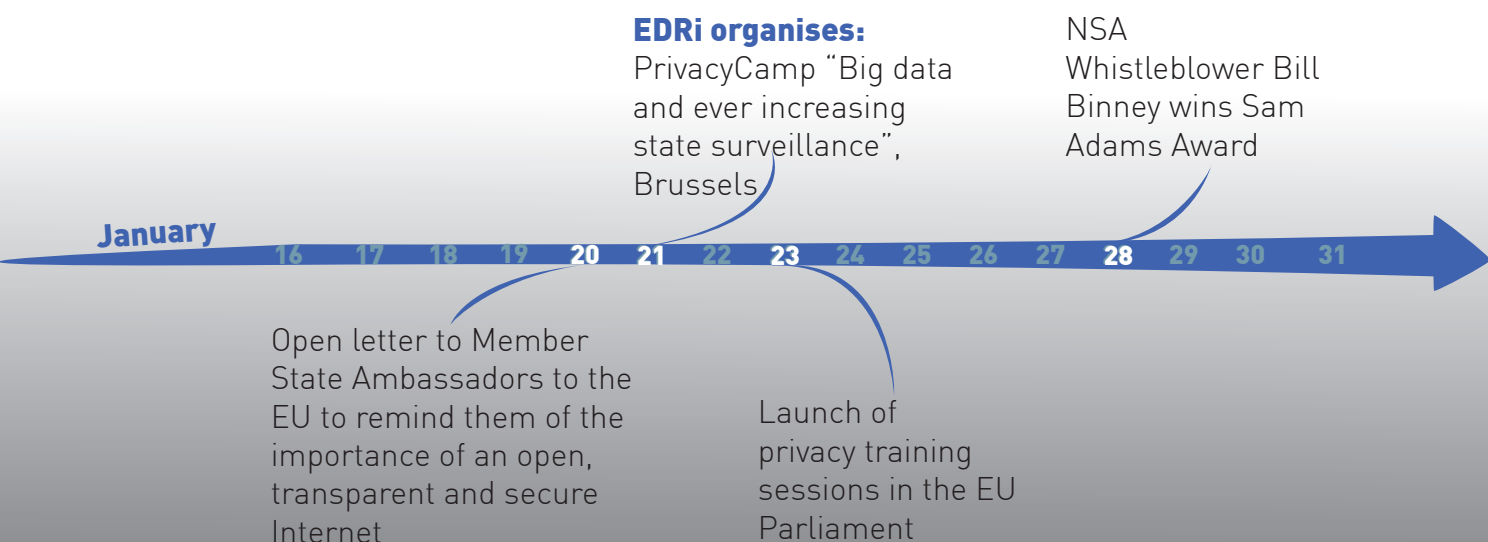owing the systematic destruction of the fabric of European privacy legislation, we published a hugely popular and influential analysis in a document titled "Broken Badly".
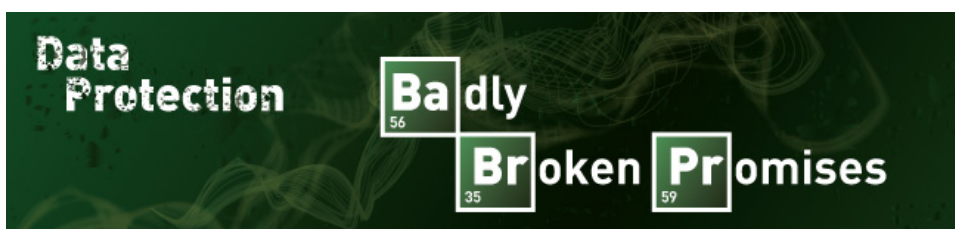
In April, we gathered support of over 60 NGOs from every continent for a letter requesting a confirmation from the European Commission that levels of protection in the data protection reform would not fall below existing levels. The letter garnered a clear, positive response, including the confirmation that "the Commission has been and will continue to be true to this commitment."

Following extensive delaying tactics and efforts by certain EU Member States to obstruct negotiations, the Council of the EU adopted its "general approach" negotiating position in June 2015. This permitted intra-institutional "trilogue" negotiations to start. These finished in December and the Parliament's Civil Liberties Committee subsequently voted to adopt the legislation.

EDRi organises:
PrivacyCamp "Big data and ever increasing state surveillance", Brussels

NSA Whistleblower Bill Binney wins Sam Adams Award

January 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Open letter to Member State Ambassadors to the EU to remind them of the importance of an open, transparent and secure Internet

Launch of privacy training sessions in the EU Parliament

One of the key elements of modernisation, profiling, has not been dealt with thoroughly. The differentiation of "explicit consent" for sensitive data and "consent" for other processing of personal data will not help when enforcing the Regulation. The failure to properly reform the foggy notion of processing of data on the basis of the "legitimate interest" of the controller is another missed opportunity, even though we are happy that some safeguards were added.
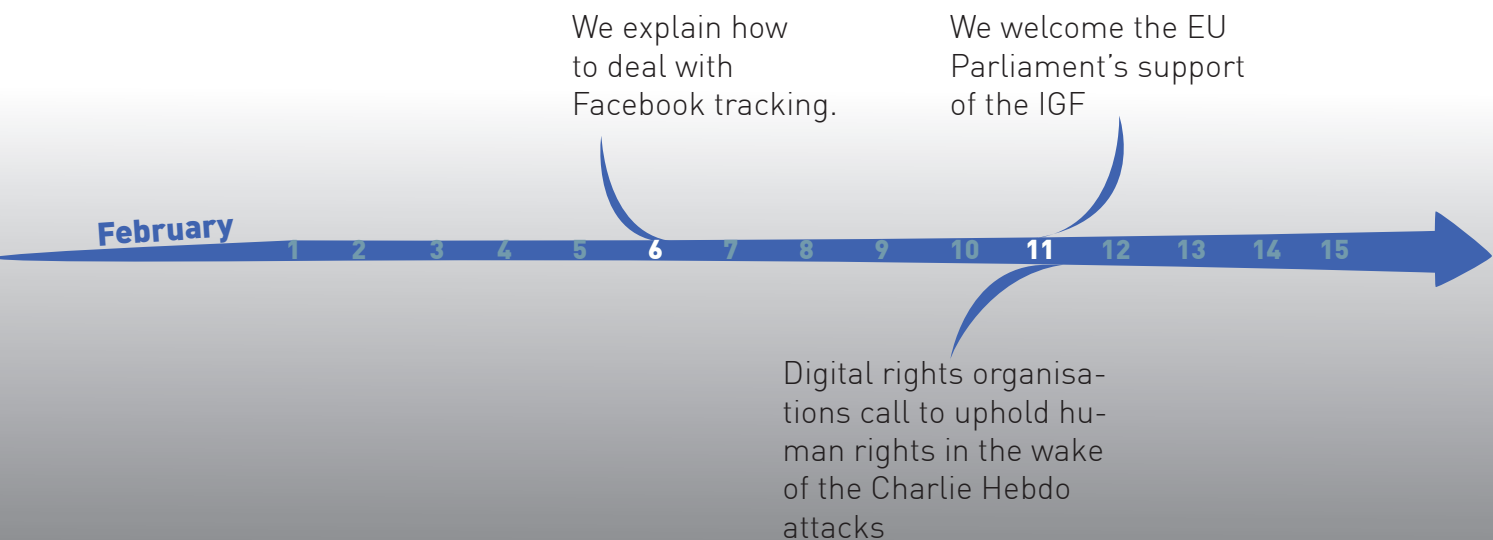
More importantly, harmonisation has become a parody of its original intentions. The existing Directive consisted of 34 articles. The final text has more permissible exceptions than the previous legislation had articles. In addition, Article 21 (on exceptions for public policy reasons) has broadened the list of articles that can be subject to a national opt-out.

However, faced with possibly the world's biggest ever lobbying onslaught, this agreement has saved the essential elements of data protection in Europe.

EDRi will now turn its attention to the next challenges – the implementation of the new legislation, the reform of the sector-specific e-Privacy Directive and cooperating with and supporting organisations bringing litigation, where necessary, to ensure that our fundamental rights are defended.

"Faced with possibly the world's biggest ever lobbying onslaught, this agreement appears to have saved the essential elements of data protection in Europe."

EDRi · DIGITALE GESELLSCHAFT · PRIVACY INTERNATIONAL · BITS OF FREEDOM VERDEDIGT DIGITALE BURGERRECHTEN · Digital Rights Ireland

We explain how to deal with Facebook tracking.

We welcome the EU Parliament's support of the IGF

February 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15

Digital rights organisations call to uphold human rights in the wake of the Charlie Hebdo attacks

GENERAL DATA PROTECTION REGULATION

EDRi

After 3 years of discussion following the first proposal being made by the European Commission (and a first reading by the European Parliament that was finalised in 2014), the Council has decided to agree on a new text (a "general approach") that will be the object of the negotiations between the three institutions (Council, Parliament and Commission) in the trilogues.

Proposal
EUROPEAN COMMISSION

First reading
EUROPEAN PARLIAMENT

Political Agreement
COUNCIL OF THE EU

.lu
LUXEMBOURG PRESIDENCY OF THE COUNCIL OF THE EU

TRIALOGUES

EUROPEAN COMMISSION

EUROPEAN PARLIAMENT

Agreement

Council vote
COUNCIL OF THE EU

Parliament vote Second Reading
EUROPEAN PARLIAMENT

EU Regulation
If an agreement is reached between the three institutions, that text will be voted in the Council. Afterwards, it will be sent to the European Parliament for a final approval.

PROTECTING DIGITAL FREEDOM

RAPPORTEUR:
Jan Philipp Albrecht, Greens/EFA

KEY PARLIAMENTARIANS:
Axel Voss EPP
Marju Lauristin S&D
Sophie in't Veld ALDE
Timothy Kirkhope ECR
Cornelia Ernst GUE/NGL
Seán Kelly EPP
Lara Comi EPP

Publication of EDRi's activist guide to the Brussels maze 2.0

February 16 17 18 19 20 21 22 23 24 **25** 26 27 28

OUR PRIVACY WINS

2015

In December 2015, the European Union concluded a new **DATA PROTECTION REGULATION** which contains many of EDRi's suggestions and demands:

* We demanded **EXPLICIT MEASURES** to address the **PROBLEM OF SECRET DATA TRANSFERS** to authorities in third countries. We successfully campaigned for an amendment (43a new) to the Regulation to **BAN ANY UNAUTHORISED EXPORT** to third countries.

* We successfully campaigned for the **INCLUSION OF AN ARTICLE INTO THE REGULATION TO ESTABLISH CONCRETE OBLIGATIONS** that people, especially children, need to be informed in concise and transparent policies about how their personal data is being used (Article 11).

* We successfully advocated for the inclusion of the concept of **DATA PROTECTION BY DESIGN AND BY DEFAULT** (Article 23).

* We defended the **RIGHT TO OBJECT TO THE PROCESSING OF PERSONAL DATA** and the right of users to obtain information in plain language (Article 32).

We gathered support of over **60 NGO**s from every continent to a letter **REQUESTING A CONFIRMATION FROM THE EUROPEAN COMMISSION** that levels of protection in the data protection reform would not fall below existing levels. The letter garnered a clear, positive response, which has been influential in the inter-institutional negotiations

We were **SUCCESSFUL IN RAISING THE PROFILE OF DATA PROTECTION IN THE PUBLIC**, also including through interviews with national and international TV (such as BBC News and BBC World) and major national news including for example La Repubblica, Le Monde, Süddeutsche Zeitung, Irish Times, and Le Soir.
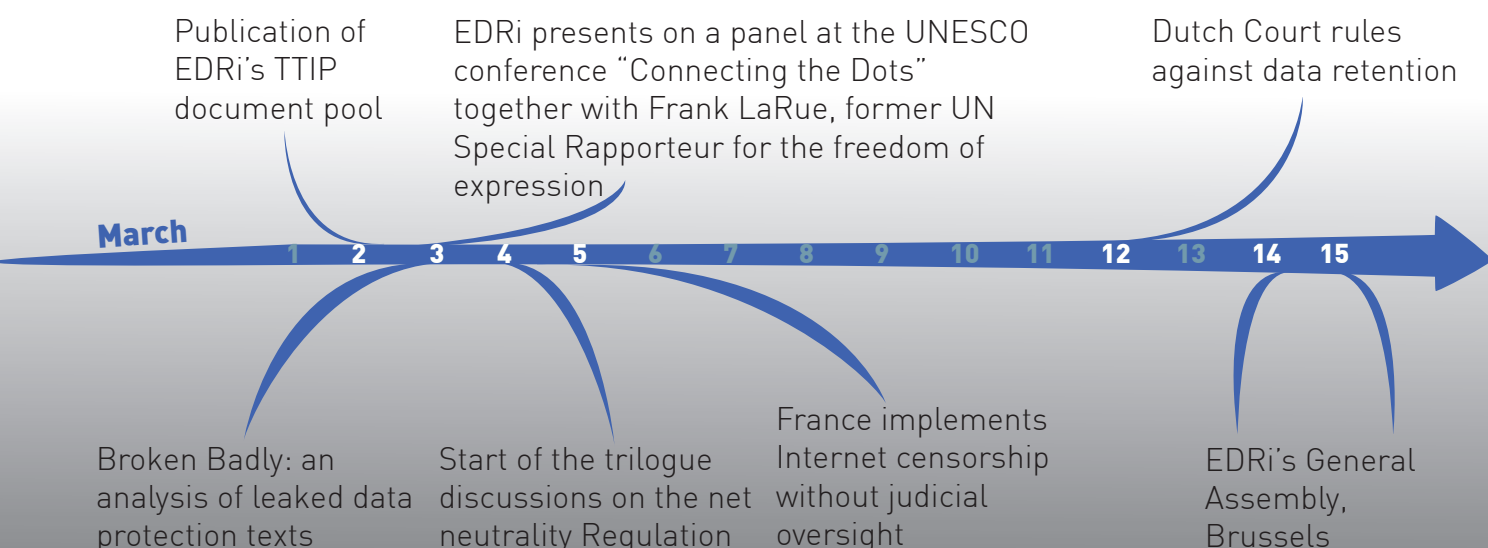
Surveillance

In the wake of the attack on Charlie Hebdo in January 2015, we joined a coalition of digital rights groups to call on Europe's governments to uphold and defend human rights.

The campaign against EU mass surveillance instruments, such as the Communications Data Retention Directive, has continued to be central to EDRi's activities. Despite increased awareness of this issue among politicians and the public, especially since the revelations of NSA whistleblower Edward Snowden, new blanket surveillance measures continue to be pushed both by national governments and the EU institutions.

In 2015, these measures included the EU's demands for long-term retention of telecommunications data and of air passenger data (EU-PNR) for profiling purposes. Each of these instruments foresees the dragnet collection of personal data of everybody, a practice that we criticised repeatedly, and which was highlighted by the European Court of Justice in two recent rulings (data retention and "Safe Harbor").

The biggest project of the European Union in 2015 was the Europe-wide storage of air passenger data for profiling purposes. This measure was originally launched back in 2012, without any evidence being shown in support of the measure. The European Commission proposed the collection, storage and transfer of all air passenger data (including meal preferences, the form of payment, medical information etc.) for flights arriving in or leaving the EU. In April 2013, with the help of the pressure from EDRi and other groups, the proposal was rejected in the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament, due to concerns regarding the necessity and proportionality of the proposal. However, in June 2013, the Parliament's plenary session referred the matter back to the Civil Liberties Committee which, as a result of the Paris terrorist attacks, adopted it in July 2015.

The Parliament is expected to vote on the measure in 2016. If, as expected, the Parliament passes the EU PNR Directive, it will take a long time to repeal it, due to the length of time that legal procedures take. The length of time it takes to overturn illegal instruments is shown, for example, by the fact that the Data Retention Directive wasn't annulled by the European Court of Justice until eight years after it was adopted. What is even more troubling is that, despite the judgment, data retention laws remain in operation in

Publication of EDRi's TTIP document pool

EDRi presents on a panel at the UNESCO conference "Connecting the Dots" together with Frank LaRue, former UN Special Rapporteur for the freedom of expression

Dutch Court rules against data retention

March   1   2   3   4   5   6   7   8   9   10   11   12   13   14   15

Broken Badly: an analysis of leaked data protection texts

Start of the trilogue discussions on the net neutrality Regulation

France implements Internet censorship without judicial oversight

EDRi's General Assembly, Brussels

numerous EU Member States. EDRi produced analysis showing that several Member States continue to data retention laws which, at the light of that ruling, are clearly illegal. In July, we sent a letter to the Commission to request the investigation of illegal data retention laws that are still in place in various Member States of the EU. Despite this, the outcome of an extensive meeting with the Unit responsible for this policy in the European Commission was that it would avoid taking action if at all possible.

Smart Borders: EDRi members Access Now and Panoptykon responded to a public consultation by the European Commission on the topic of smart borders: https://edri.org/files/smartborders/consultationresponse.pdf.

Export controls: Another important response to a public consultation this year on the topic of export controls was jointly drafted by EDRi members Chaos Computer Club, the Foundation for Information Policy Research, Vrijschrift and the Electronic Frontier Foundation (EFF). The response is available online: https://edri.org/files/export_controls_edri.pdf.

In addition, we carried out four one-to-one privacy training sessions for Members of the European Parliament, assistants staff, during which we explained how to defend oneself better against mass surveillance, and how to improve the overall security of their communications. We also organised two bigger Privacy Cafés in the EU Parliament for Members and their assistants in April and in September, which included training sessions to help increase privacy when surfing online, when texting and messaging, and when sending e-mails.

In September, we helped organise the "Freedom not Fear" conference, a privacy advocates summit held annually in Brussels, to update participants on the latest developments at the EU-level and to arrange meetings with policy-makers. In November, we participated in the organisation of the Belgian Big Brother Awards and held a debate on Passenger Name Records, one of the nominees for the Awards.

March   16   17   18   19   20   21   22   23   24   25   26   27   28   29   30   31

EDRi organises:
Activist safari and work-
shops on TTIP, Brussels

SURVEILLANCE IN THE EU

EDRi

DATA RETENTION DIRECTIVE

Council Proposal	2004
Rejection in LIBE Committee	2005
Procedure Abandoned	2005

Madrid & London bombings March 2004 & July 2005

PASSENGER NAME RECORD (PNR) DIRECTIVE

Commission Proposal	2011
Rejection in LIBE Committee	2013
Procedure suspended	2014

Paris & Copenhagen attacks January & February 2015

FAST TRACK

New Commission Proposal	2006
Directive adopted in 6 months	2006
Directive declared invalid by EU court	2014

Procedure back in LIBE	2015
Adoption ?	2015?
?	

WILL THE EU REPEAT THE SAME MISTAKE ?
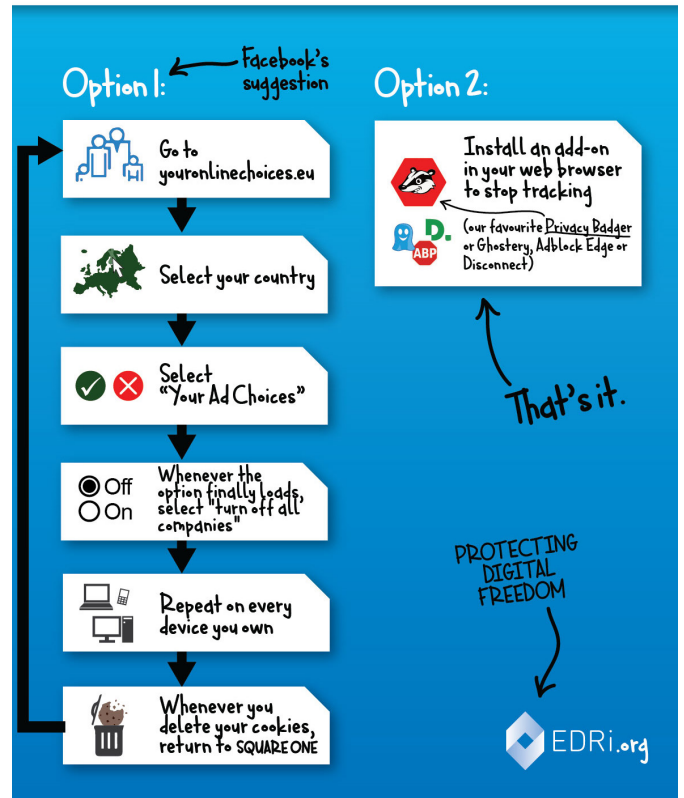
access

How to stop Facebook tracking you across the Internet ?

Option 1: *Facebook's suggestion*

- Go to youronlinechoices.eu
- Select your country
- Select "Your Ad Choices"
- Whenever the option finally loads, select "turn off all companies"
- Repeat on every device you own
- Whenever you delete your cookies, return to SQUARE ONE

Option 2:

Install an add-on in your web browser to stop tracking

(our favourite Privacy Badger or Ghostery, Adblock Edge or Disconnect)

That's it.

PROTECTING DIGITAL FREEDOM

EDRi.org

I SUPPORT MASS SURVEILLANCE OF AIR PASSENGERS (PASSENGER NAME RECORD, PNR), BECAUSE...

EDRi

- [ ] ... I like the excitment of a computer deciding if I'm a terrorist or a child abuser.
- [ ] ... there is too much illegal data collection and this might make some of it legal.
- [ ] ... I don't care that the effectiveness of this proposal was never actually proven.
- [ ] ... the EU Commission told me that telecoms data retention was legal and they would only make that mistake once, right?
- [ ] ... we have money to waste, so I don't care that the millions of euro are being spent on an unproven policy.
- [ ] ... I don't mind giving in to blackmail of foreign countries that threaten to ban our airlines if we don't hand over a ransom in the form of our citizens' PNR data.

OUR SURVEILLANCE WINS
2015

EDRi

In 2015, EDRi and its members sent a letter to the Commission to request the investigation of potentially illegal national measures that are still in place.

At the request of local activists, EDRi sent two letters to the responsible parliamentarians and ministry to oppose Kosovo's draft data retention rules. While we were not able to prevent the adoption of the law, our intervention was crucial in narrowing the scope of the legislation.

We campaigned successfully against plans for a EU PNR system, which would involve storing all the information collected by airlines about passengers – including sensitive and personal information in for profiling purposes. Although it is still on the legislative agenda, our efforts contributed to the fact that, in 2015 it was not adopted.

In October 2015, the Court of Justice of the European Union (CJEU) confirmed what the EDRi has been vocally suspecting for the past years – the "SAFE HARBOR" AGREEMENT IS INVALID.
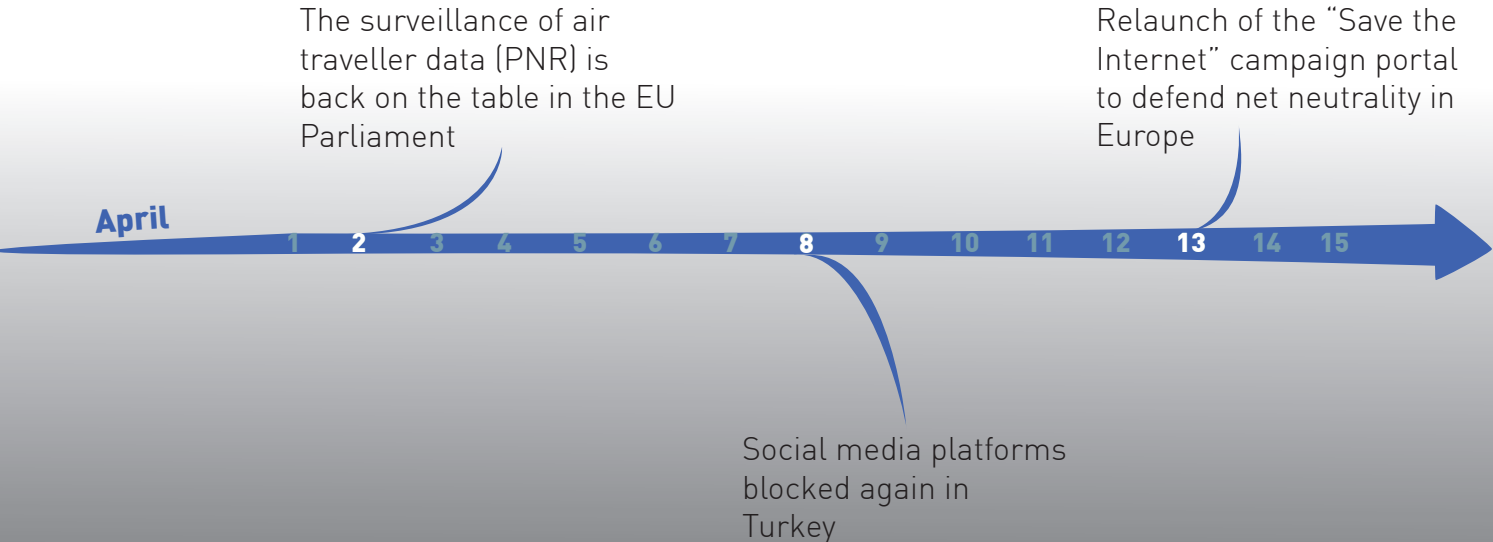
Network neutrality

The launch of the draft "Telecoms Single Market Regulation" in September 2013 was the start of a legislative process that was finally completed in October 2015. One of the key elements of the legislation is net neutrality, the principle according to which everyone can communicate with everyone on the Internet without discrimination. This principle was put at risk by the ambiguous, unbalanced EU Commission proposal, which would have undermined the way in which the Internet functions.

During the first stage of the legislative process, EDRi ran a successful campaign to persuade the European Parliament to support net neutrality unequivocally. As a result, in April 2014 the Parliament adopted its first reading position which, contrary to the expectations of the European Commission, decided to protect net neutrality.

The revised text was then sent to the EU Council (made up of the Member States). From April 2014 until March 2015, we campaigned against the position taken by the larger EU Member States, which were defending the lobbying demands of former national monopolies like Telefónica and Deutsche Telekom, who were seeking to undermine net neutrality. Ultimately, a weak and contradictory text was approved by the Council in March 2015 as its "general approach" to the legislation. If anything, that text was even worse than the European Commission's text.

Instead of waiting to adopt a formal position on the proposals, the Council adopted a mandate to enter into trilogue negotiations. Trilogues are secret closed-door meetings between the EU Council, the European Parliament and the European Commission to reach a political agreement and circumvent the ordinary legislative process.

EDRi campaigned vigorously to defend net neutrality in the European Union during the entire trilogue procedure. From February (when the Council agreed its general approach) to July 2015, EDRi and our SavetheInternet.eu partners were campaigning furiously, meeting repeatedly with the Council Presidency, Member State representatives and key individuals in the Parliament (MEPs, their assistants and policy advisers), obtaining and commenting on draft after draft of proposals and counter-proposals – often with little more than a few hours to provide comprehensive input on extensive legal texts.

The surveillance of air traveller data (PNR) is back on the table in the EU Parliament

Relaunch of the "Save the Internet" campaign portal to defend net neutrality in Europe

April   1   2   3   4   5   6   7   8   9   10   11   12   13   14   15

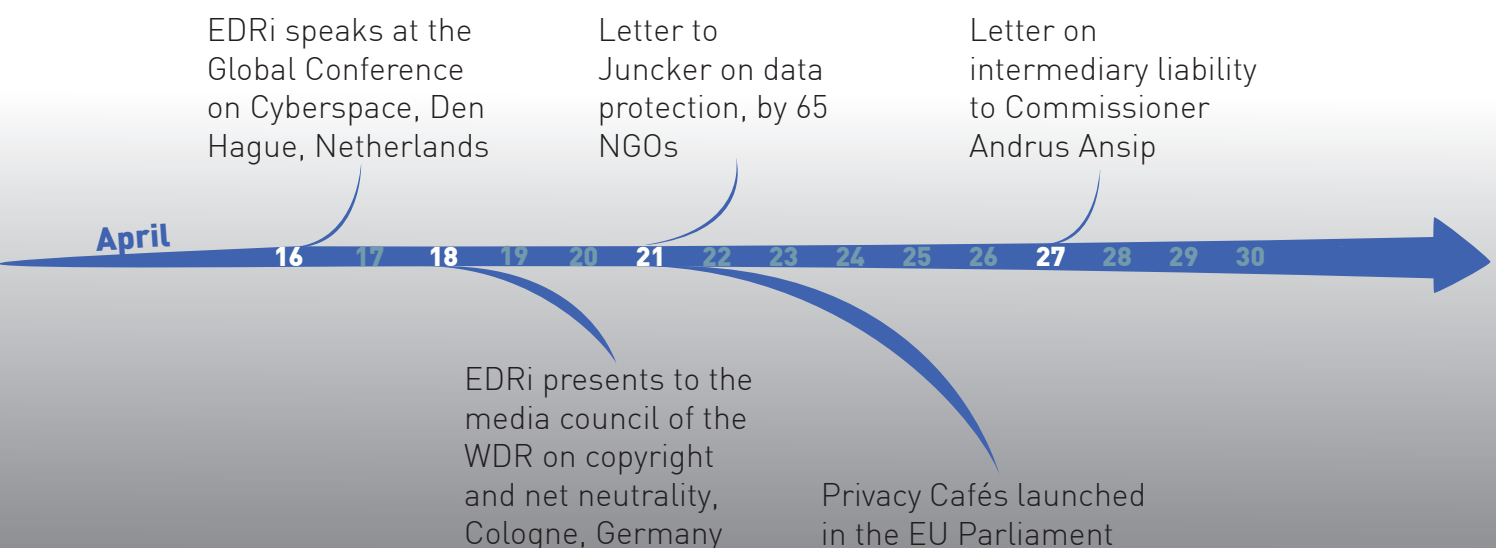Social media platforms blocked again in Turkey

We also continued to publicly campaign for improvements to the text, including by preparing infographics, taking part in press interviews and drafting blogposts and analytical documents. The lack of a specific end-date and official transparency about what was actually happening in the closed-door meetings made a public campaign and/or press interest virtually impossible. We minimised the damage caused by the undemocratic trilogue process by working as a trusted partner with the institutions, providing clear, correct and rapid analysis at every stage of the negotiations.

The trilogue system is so opaque that, even when it produced a political agreement between June-July 2015, the focus was put on the other big topic of the legislative dossier, roaming. Besides our numerous blogposts and press releases warning about the situation that we gathered in a comprehensive document pool, there was no outcry at the weak, ambiguous text that would put freedom of expression, innovation and the interests of citizens, SMEs and start-ups at risk.

While the outcome is not perfect, the result is still vastly better than the unambiguously destructive, anti-competitive, anti-citizen, anti-innovation proposals being put forward by the Council and Commission for the entire history of the legislative process. The European Parliament finalised the legislative process by adopting the negotiated text in October 2015. EDRi and its partners suggested amendments to clarify the four remaining ambiguous points of the text. Unfortunately, the Parliament decided not to adopt the amendments, meaning that the EU regulators will now have to fix those uncertainties.

We remain in the process during the important next stage. The Body of European Regulators (BEREC) will produce implementation guidelines by the end of the summer of 2016. EDRi had its first meeting with BEREC (a three-hour discussion of the key outstanding issues in December 2015. We will keep working to defend net neutrality and build on this success.

In addition, we responded to two consultations (Telecoms Review & Connectivity) prior to the telecoms framework review. Finally, we became founding members of a new alliance called "NetCompetition" which unites industry and civil society demanding support for competition in communications markets. We believe this alliance is good for fundamental rights, as they cannot be fully enjoyed without a competitive market. As a consequence of this coalition, Competition Commissioner Vestager's cabinet received us at the end of 2015.

EDRi speaks at the Global Conference on Cyberspace, Den Hague, Netherlands

Letter to Juncker on data protection, by 65 NGOs

Letter on intermediary liability to Commissioner Andrus Ansip

April 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

EDRi presents to the media council of the WDR on copyright and net neutrality, Cologne, Germany

Privacy Cafés launched in the EU Parliament

Günther H. Oettinger
@GOettingerEU

Good meeting with @edri and @accessnow on #netneutrality. Looking forward to next ones.

RETWEETS 11 · LIKES 17

11:24 AM - 25 Aug 2015

"We believe that the EU regulation gives BEREC the tools to ensure net neutrality will be protected in Europe."

EDRi

EDRi presents at re:publica conference about Internet censorship in Europe
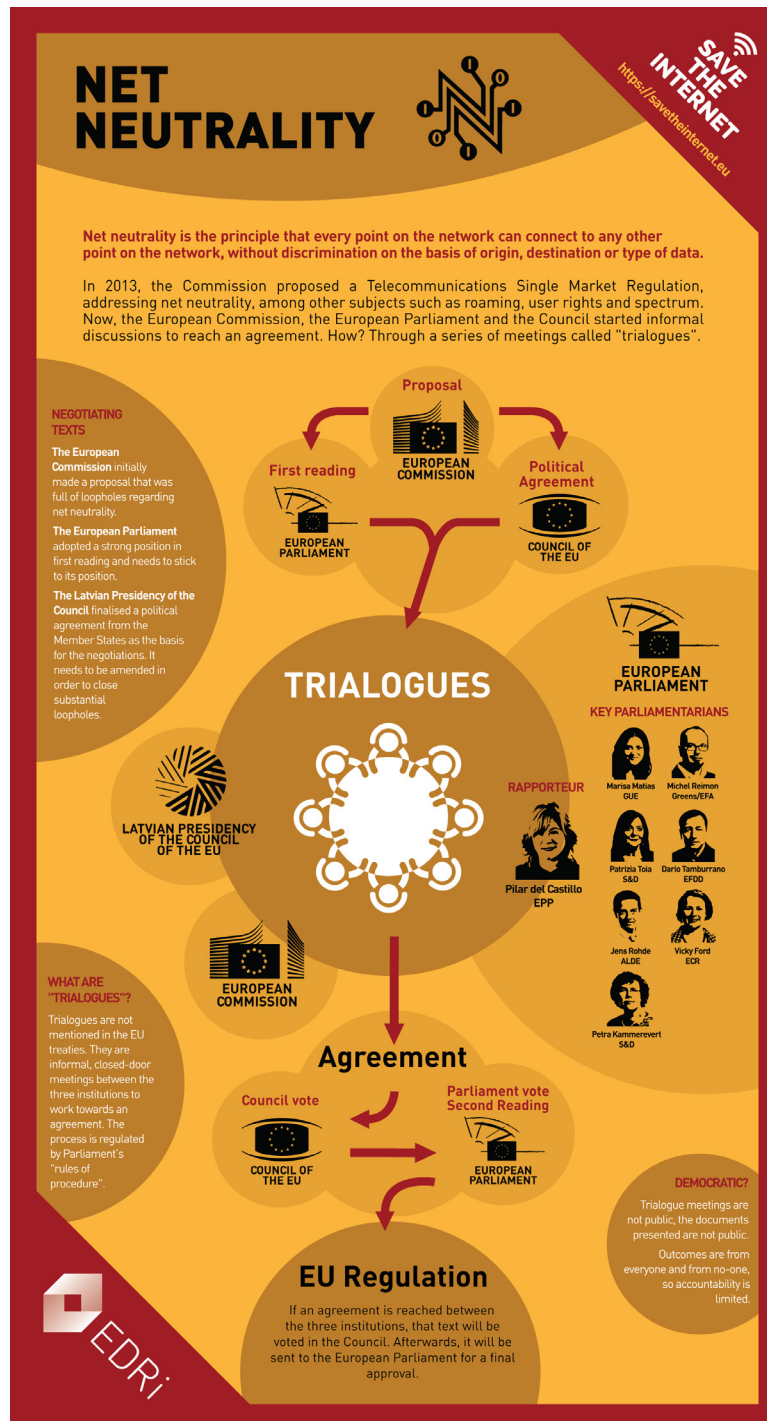
Launch of the EDRi supporters

May   1   2   3   4   5   6   7   8   9   10   11   12   13   14   15

Publication of the Digital Single Market Communication by the EU Commission

Slovakian court declares data retention illegal

NET NEUTRALITY

SAVE THE INTERNET
https://savetheinternet.eu

Net neutrality is the principle that every point on the network can connect to any other point on the network, without discrimination on the basis of origin, destination or type of data.

In 2013, the Commission proposed a Telecommunications Single Market Regulation, addressing net neutrality, among other subjects such as roaming, user rights and spectrum. Now, the European Commission, the European Parliament and the Council started informal discussions to reach an agreement. How? Through a series of meetings called "trialogues".

NEGOTIATING TEXTS

The European Commission initially made a proposal that was full of loopholes regarding net neutrality.

The European Parliament adopted a strong position in first reading and needs to stick to its position.

The Latvian Presidency of the Council finalised a political agreement from the Member States as the basis for the negotiations. It needs to be amended in order to close substantial loopholes.

Proposal

EUROPEAN COMMISSION

First reading

EUROPEAN PARLIAMENT

Political Agreement

COUNCIL OF THE EU

TRIALOGUES

LATVIAN PRESIDENCY OF THE COUNCIL OF THE EU

EUROPEAN PARLIAMENT

KEY PARLIAMENTARIANS

RAPPORTEUR

Pilar del Castillo
EPP

Marisa Matias
GUE

Michel Reimon
Greens/EFA

Patrizia Toia
S&D

Dario Tamburrano
EFDD

Jens Rohde
ALDE

Vicky Ford
ECR

Petra Kammerevert
S&D

WHAT ARE "TRIALOGUES"?

Trialogues are not mentioned in the EU treaties. They are informal, closed-door meetings between the three institutions to work towards an agreement. The process is regulated by Parliament's "rules of procedure".

EUROPEAN COMMISSION

Agreement

Council vote

COUNCIL OF THE EU

Parliament vote Second Reading

EUROPEAN PARLIAMENT

DEMOCRATIC?

Trialogue meetings are not public, the documents presented are not public.

Outcomes are from everyone and from no-one, so accountability is limited.

EU Regulation

If an agreement is reached between the three institutions, that text will be voted in the Council. Afterwards, it will be sent to the European Parliament for a final approval.

EDRi

Open Letter to Mark Zuckerberg: Internet.org vs. Net Neutrality, Privacy and Security

EDRi fights against web blocking measures as part of the draft "net neutrality regulation"

May 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Publication of our science-fiction short story collection: Digital rights news from 2025

EU Parliament Committee on International Trade (INTA) adopts disappointing position on TTIP

OUR NET NEUTRALITY WINS

2015

In November, the EU adopted the **REGULATION TO SAFEGUARD OPEN ACCESS** to the Internet (net neutrality). While the result is not perfect, the text contains good tools to enable regulators to fight against discriminatory practices implemented by internet.

Among our many demands, the ones that made it into the final version of the **REGULATION** are:

* All 28 Member States have **NON-DISCRIMINATION ENSHRINED IN LAW**, which was one of EDRi's biggest asks in the past years.

* **TRAFFIC MANAGEMENT CANNOT BE DISCRIMINATORY**, all blocking, slowing down, altering, restricting, interfering with or degrading traffic is prohibited and subject to exceptions (Article 3.3)

* Whereas **VOLUNTARY BLOCKING** measures were permitted before the conclusion of the Regulation, all **TRAFFIC RESTRICTIONS** that companies want to implement **MUST NOW BE BASED ON LAW**, in accordance with Art 52 of the Charter of Fundamental Rights.

* **SPECIALISED SERVICES** can only be offered if they are not a replacement of internet access services (Art. 3.5).

* The regulation empowers **NRAs TO ENFORCE THESE PRINCIPLES**, including end-users rights.
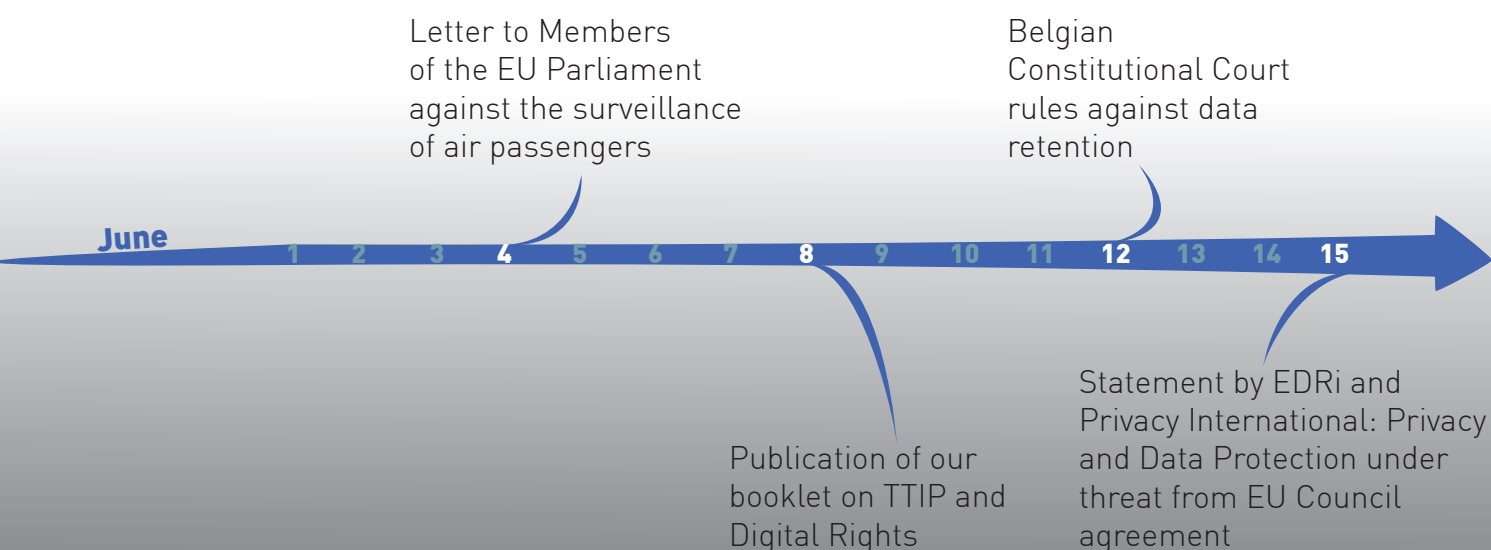
Copyright Reform

We campaign for more efficient access to online content and culture as a means of supporting freedom of communication and reducing the risks to fundamental rights caused by excessive enforcement measures.

Europe's copyright rules have still not been adapted to the digital age. This produces a negative impact on education and freedom of communication in general. This, in turn, leads to breaches of copyright, leading to failed enforcement measures, such as web-blocking, automatic content deletion and surveillance measures This situation is currently creating to barriers for citizens to access their culture, unintended consequences for the freedom of communication, and the fact that creators do not enjoy harmonised protections in the EU. There is however a growing awareness in parts of the EU Commission and the Parliament that reforms are urgently needed.

Since the current European Commission took office in 2014, we have continued to push for a comprehensive copyright reform. Our efforts focused on the non-legislative reports by the Parliament

Vice-President Ansip has publicly recognised that outdated copyright legislation is pushing people to "piracy". On 9 December, the European Commission presented its Communication on a new framework for a "modern, more European copyright". The Communication focuses on access to content across the EU, adapting only some exceptions, attempting to improve the market, and enforcing copyright. The Communication lacks the ambition needed to fix the copyright legislation in the EU. A legislative proposal is expected before summer 2016. We worked hard to bring together the most important actors in civil society in November to our "School of Rock(ing) Copyright" in Warsaw, to prepare the ground for coordinated responses, to inform the participants on the current state of play of the EU copyright reform, to inform them about EU political communications and processes and to provide the tools that can be used to campaign on national level.

We also continued our work within the Observatory for IP Infringements as parts of the civil society sector, alongside the European Consumers' Bureau (BEUC), Wikimedia and Communia. We participated

Letter to Members
of the EU Parliament
against the surveillance
of air passengers

Belgian
Constitutional Court
rules against data
retention

June   1   2   3   4   5   6   7   8   9   10   11   12   13   14   15

Publication of our
booklet on TTIP and
Digital Rights

Statement by EDRi and
Privacy International: Privacy
and Data Protection under
threat from EU Council
agreement

in the working group meetings in Alicante and Brussels, where we explained our criticism to some of the initiatives. One of the positive outcomes could be the project on an FAQ on copyright launched by the four civil society groups. The outcomes of this project are expected for 2016. The set of questions would serve both to inform the general public some basic notions of copyright in the digital world as well as unveil the risks associated with excessive enforcement and the measures needed to improve the situation.

The key instruments that are likely to be re-opened in the coming years are the 2001 Copyright in the Information Society Directive (2001/29/EC) and the 2004 Intellectual Property Rights (IPR) Enforcement Directive (2004/48/EC). The issue of enforcement will be tackled following the public consultation on the enforcement of Intellectual Property Rights (IPR) which will be open until 1 April 2016.

European Parliament shows little ambition on copyright reform

June   16   17   18   19   20   21   22   23   24   25   26   27   28   29   30

Top read blogpost of 2015: Microsoft's new small print

Our analysis of the Commission's Digital Single Market Communication published

OUR COPYRIGHT WINS

2015

During the preparative work for the launch of a copyright reform in the EU Parliament, we provided detailed analysis and suggestions to the different Committees. Despite a lack of ambition in the final text, some of OUR DEMANDS, SUCH AS EXCLUDING A PROPOSED BAN ON THE FREEDOM OF PANORAMA, WERE INCLUDED IN THE PARLIAMENT'S RESOLUTION.

In September, we spoke at the event "Copyright in Europe: Adapting to the New Digital Reality" on the RISKS FOR FUNDAMENTAL RIGHTS WHEN ENFORCING COPYRIGHT and the NEED FOR A MODERNISED COPYRIGHT REFORM.

Following our campaigning efforts, our DEMANDS FOR A MODERNISATION OF COPYRIGHT RULES were included in the EU Parliament's report, for instance:

* the Parliament demanded the improvement of EU-wide rules on geo-blocking and to facilitate access to online content across borders.
* the Commission released a Communication and is preparing consultations on the topics of e-lending, text and data mining and exceptions for copyright.

Privatised law enforcement

Despite successful campaigns against the Anti-Counterfeiting Trade Agreement (ACTA) in Europe and the Stop Online Piracy Act (SOPA) in the United States, Internet companies continue to be pressured by national and regional authorities to police (and punish) Internet users, be it in the name of child protection, the fight against terrorism or alleged copyright infringements online. National Constitutions, European and international law provide us with a degree of protection from government restrictions of our fundamental freedoms. However, when private companies are persuaded to "voluntarily" impose such restrictions outside a legal framework, these traditional and previously unquestioned protections tend to disappear.

In 2015, the EU Commission held several preparatory meetings for the creation of the "EU Internet Forum" to counter terrorism online and fight against hate speech. Barely no information was released by the Commission, so we made several freedom of information requests. The Forum was officially launched on 3 December and consists of partnering with almost exclusively US online companies (Facebook, Google/YouTube, Microsoft, Twitter and Ask.fm) to discuss the monitoring and censorship of communications in Europe. Despite the fact that the EU Commission announced in its Prevention Communication (2013), a Press release statement (2014) and its "European Agenda on Security" (2015) its intention to bring civil society organisations to the table, no NGO has been invited to participate yet. However, EDRi had meetings with the responsible Directorate-General of the Commission (DG HOME) as well as DG Justice and several stakeholders and will continue to monitor the project and discuss our participation with the European Commission. On 16 December, we published our position on the Internet Forum.

In parallel, the Commission has been pushing for a so-called "follow the money" approach for alleged copyright infringements. The hope is that arrangements with private actors (such as advertisers and financial services), to impose punishments on online services accused of copyright violations, will help fight copyright infringements online. We had meetings with DG GROW of the European Commission to discuss our campaign to defend a rule-of-law based approach to copyright enforcement.

Letter to Commission Vice-President Timmermans to request the investigation of illegal data retention laws in the EU

EU Parliament Committee (LIBE) votes for more surveillance and profiling of EU citizens (EU PNR)

July 1 2 3 4 5 6 7 8 9 10 11 12 13 14 **15**

EU Parliament votes on TTIP resolution

EU Parliament Committee (ITRE) adopts the text of the informal trialogue negotiations on the "net neutrality regulation", we ask for more clarity

███████████████████████████ confirmed that the process of radicalisation takes place more and more through the internet. Law enforcement efforts fall short in the face of the proliferation of extremist blogs; hence, the need for more public/private cooperation. The Minister summarised the package of proposed measures to remove online illegal content in ████ which allow administrative authorities to block the access to internet website. ███

In its answer, █████████ indicated that Member States are aware of notification procedures to remove illegal content. Problem arises with understaffed small internet companies. ████████ indicated that it helps already these companies, particularly in the area of child abuse.

In her concluding remarks, the <u>Commissioner</u> recalled the consensus on the need to collaborate. She welcomed this beginning of what she hopes to be a process leading to a public/public collaboration on research, training, counter-narratives and the sharing of best practices.

At the end of the meeting, an agreed press-release was issued by the Commission (see attached).

<p style="text-align:center">***</p>
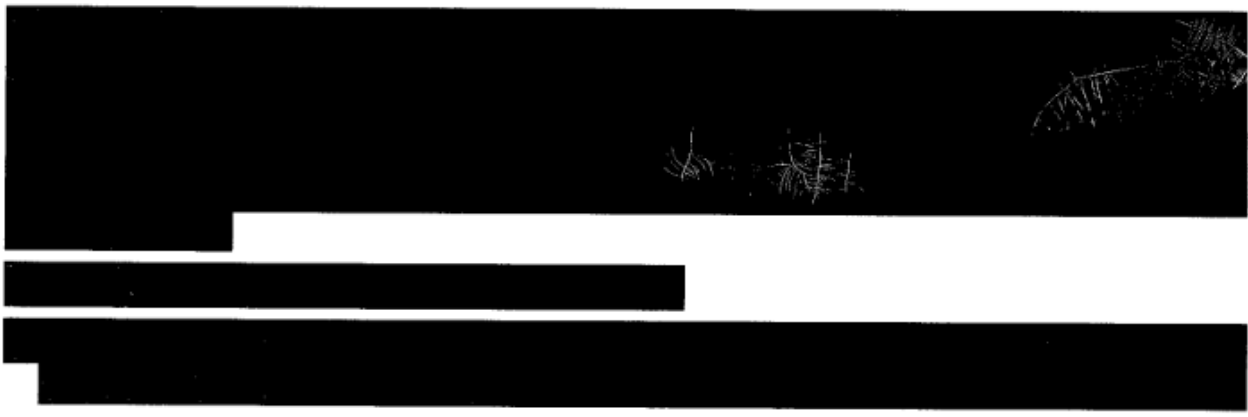
The EU Commission sends us censored documents on the EU Internet Forum.

We publish our document pool on the EU PNR dossier

German news site Netzpolitik.org investigated for treason

OUR PRIVATISED LAW ENFORCEMENT WINS

2015

We successfully campaigned for the DELETION OF A PASSAGES IN ARTICLE 3 of the final text of the Net Neutrality Regulation, WHICH FORESAW THE POSSIBILITY FOR INTERNET ACCESS PROVIDERS TO BLOCK AND FILTER COMMUNICATIONS to "prevent" or "impede" "serious crime" - with none of the relevant terms defined in the legislation and in clear breach of the Commission's obligations under the European Charter of Fundamental Rights.

We successfully engaged with Parliamentarians to RAISE SERIOUS CONCERNS regarding a draft European Parliament RESOLUTION ON ONLINE "RADICALISATION", prepared by the Civil Liberties Committee. The initial proposal from the Parliamentarian in charge proposed, for instance, that EU Member States should coerce Internet companies into policing online communications via their Terms of Service. WE SUCCESSFULLY CONVINCED PARLIAMENTARIANS TO REMOVE THE PASSAGE. Although the final outcome – in the immediate aftermath of the Paris attacks – was far from ideal, our long-term engagement in the initiative resulted in significant improvements.

EDRi

Trade agreements

Fighting for our rights and freedoms is only possible if we can hold the private and the public sectors to account. We advocate for openness, transparency and accountability of government and business. This is particularly important for the negotiation of international trade agreements. We advocate for effective transparency to allow accountability and meaningful participation of citizens in decision-making processes.

In addition, we campaigned for trade agreements not to undermine human rights and fundamental freedoms online. Trade agreements tend to go beyond trade, and include chapters on "intellectual property rights", telecommunications, e-commerce, services and investment which have the potential to restrict EU citizens' rights and freedoms online and offline.
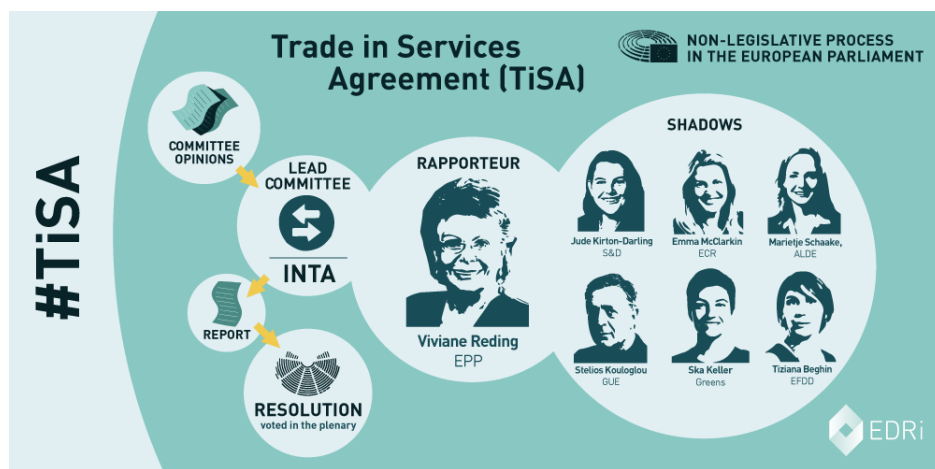
In 2015, the EU Parliament started its work on a non-binding resolution on the Transatlantic Trade and Investment Partnership (TTIP). The resolution was adopted in July 2015 and it contains the Parliament's recommendations to the EU Commission for the negotiations. Since the Lisbon treaty, the Parliament has the power to reject finalised trade deals – it is therefore important for the only democratically-elected institution of the EU to take a strong position during the negotiation process. We engaged extensively with the Parliament in the run-up to the adoption of the Resolution and played a crucial coordination role with other civil society groups on Internet-related issues.

We receive documents from the Commission regarding the launch of the "EU Internet Forum" to fight against terrorism

Portugal launches "voluntary" agreements against copyright infringements

August 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15

Netzpolitik.org case: Prosecutor dismissed, inquiry dropped

We published our "red lines" on TTIP and a very successful booklet on TTIP and Digital Rights (which was translated to Dutch, Greek and Italian), took part in the joint social media campaign #TTIPTuesday, organised a TTIP safari and workshops for activists in March. We had two big successes in the European Parliament, since the Civil Liberties Committee (LIBE) and the Legal Affairs Committee (JURI) adopted texts in line with our demands. On 8 July 2015, the European Parliament adopted its Resolution on TTIP. We produced voting recommendations for the respect of human rights in the digital environment. Many of our amendments were successful.

After the TTIP resolution was adopted, the European Parliament started working on a non-legislative resolution on the Trade and Services Agreement (TiSA) and had not come to a conclusion by the end of 2015. EDRi has been engaging with Parliamentarians and analysed amendments and compromise amendments in the relevant committees involved (check our TiSA document pool).

Finally, we had several meetings with EU Commission negotiators, participated in the Commission's "Civil Society" dialogues both on TTIP and TiSA, and spoke about trade agreements and Digital Rights at several events.

We meet with Commissioner Günther Oettinger and his cabinet

August   16   17   18   19   20   21   22   23   24   **25**   26   27   28   29   30   31

EDRi @edri
New booklet! #TTIP and Digital Rights
https://edri.org/ttip-and-digital-rights-
the-booklet/ … #IP #EUDataP #privacy
#ISDS #surveillance
pic.twitter.com/IFB5K1X1qO

Impressions	27,305
Total engagements	469
Retweets	126
Link clicks	115
Detail expands	94
Favorites	41
Profile clicks	37
Photo or video clicks	33
Hashtag clicks	14
Email shares	4
Replies	3
Follows	2

02 Mar 2015   **TTIP Resolution: document pool**
By Maryant Fernández Pérez

The European Parliament is going to adopt a Resolution on TTIP. A resolution is a political statement which does not have binding effects. However, a strong resolution from the Parliament could be a step in the right direction.

The Committee on International Trade (INTA) was in charge of the dossier and was guided by Opinions from 13 other Committees before it submitted its report to Plenary (vote scheduled on 8 July).

From a digital rights perspective, we have identified eight key Committees. We´re now campaigning for a respect of our red lines on TTIP to ensure the protection of our rights and freedoms. In order to allow you to keep track of the process, you can find our analysis below. We´ll update this post as the procedure advances. *Last update: 18 June 2015*

LIBE	**ITRE**	**IMCO**	**AFCO**
Civil Liberties, Justice and Home Affairs	Industry, Research and Energy	Internal Market and Consumer Protection	Constitutional Affairs
Draft Opinion	Draft Opinion	Draft Opinion	Draft Opinion
Analysis of amendments	Analysis	Analysis	Analysis
Voting recommendations	Amendments	Amendments	Analysis of amendments
Vote: 31 March	Vote: 24 March	Vote: 24 March	Vote: 16 April
Opinion adopted	Opinion adopted	Opinion adopted	Opinion adopted

Crowdfunding campaign to produce material to teach encryption and privacy to kids

EDRi meets the Commission to discuss illegal data retention laws that are still in place in various Member States

September 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15

We protest the push for privatised censorship in Germany

OUR TRADE AGREEMENT WINS

2015

The **CIVIL LIBERTIES COMMITTEE** (LIBE) of the EU Parliament **ADOPTED AN OPINION TO PREPARE A RESOLUTION ON TTIP WHICH INCLUDES OUR MAIN DEMANDS** – such as to exclude privacy and data protection from TTIP. We have the concern that including data protection in a trade deal with a country that has no comprehensive privacy protections, would undermine the EU's room for manoeuvre to pass a strong data protection regulation.

The Legal Affairs Committee (JURI) voted to recommend an **EXCLUSION OF "INTELLECTUAL PROPERTY RIGHTS"** (including copyright, trademarks and patents), and ISDS from TTIP and in favour of increased transparency. This completely overturned JURI's draft Opinion proposed by Conservative MEP Axel Voss.

On 8 July, the Parliament adopted its Resolution on TTIP. **WE PRODUCED VOTING RECOMMENDATIONS FOR THE RESPECT OF HUMAN RIGHTS IN THE DIGITAL ENVIRONMENT.** As a result, in its Resolution, the EP recognised that the lack of transparency has "led to deficiencies in terms of democratic control" during the negotiations.

The **PARLIAMENT** reiterated that **ITS CONSENT TO TTIP COULD BE ENDANGERED** if US mass surveillance programmes are not "completely abandoned".

Transparency of the EU institutions

In 2015, we fought for access to documents, notably with regard to negotiation documents related to the trilogue process on the Regulation covering net neutrality and the secret meetings of the EU Internet Forum. Access requests remain an important tool for us to increase transparency of the EU institutions and to raise awareness for the EU's legislative and non-legislative work.
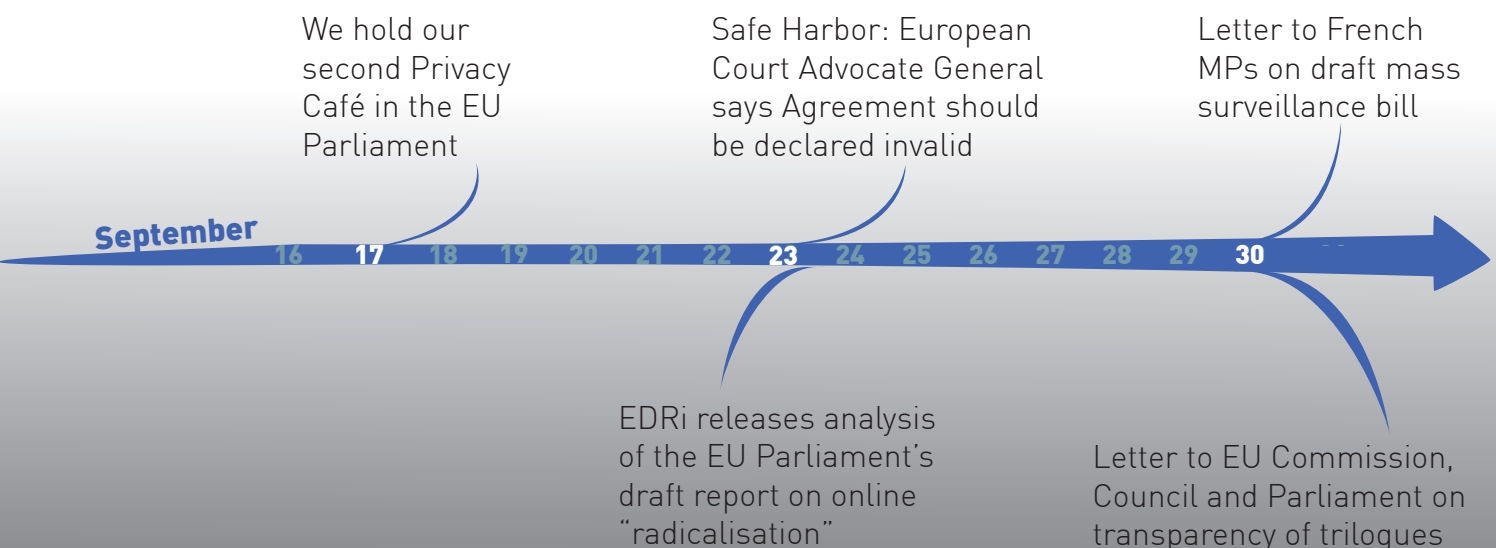
We started campaigning for a reform of the trilogue procedure, by sending a letter (pdf) to European Parliament President Martin Schulz, Commission President Jean-Claude Juncker and Council Secretary-General Jeppe Tranholm-Mikkelsen. Since information is sometimes difficult to find on the different online sources of the European Commission, we continued to publish and update an overview of consultations of importance to digital rights in 2015.

Internet governance and international work

In December, the UN General Assembly renewed the mandate of the UN Internet Governance Forum (IGF). In advance of the renewal decision, we produced a briefing paper for Parliamentarians and advocated to plead for renewal and for improvements regarding the multistakeholder principle. In addition, we co-signed a statement to welcome the European Parliament's Resolution in support of the Internet Governance Forum.

We participated in two meetings organised by the European Commission prior to the IGF meeting in November in Brazil. Furthermore, we contributed to the statement on Net Neutrality of the Dynamic Coalition on Network Neutrality to the IGF.

EDRi was re-elected into the Steering Comittee of the Civil Society Information Society Advisory Council (CSISAC), the voice of the civil society at the OECD. The meeting with ministers and associates of the OECD took place twice in the past year. EDRi' is also responsible for the administration of travel reimbursements for CSISAC's members.

We hold our second Privacy Café in the EU Parliament

Safe Harbor: European Court Advocate General says Agreement should be declared invalid

Letter to French MPs on draft mass surveillance bill

September 16 **17** 18 19 20 21 22 **23** 24 25 26 27 28 29 **30**

EDRi releases analysis of the EU Parliament's draft report on online "radicalisation"

Letter to EU Commission, Council and Parliament on transparency of trilogues

Our network

We continued to provide an essential platform for our member organisations in their understanding of, and interactions with, the European institutions. We briefed our members and observers once per week via our weekly report on the most important legislative developments in Brussels.

During our strategic planning process in 2015, we developed a number of activities for the network which we have started to implement, such as an activist exchange programme, individual check-ins with members, additional meetings of the network, and additional technical tools to facilitate the knowledge exchange. This strategy is now ensuring a common understanding of the network's role in Europe, a sustainable financial structure, the identification of long-, mid- and short-term goals, and the efficient allocation of our resources according to agreed priorities.

Thanks to these reforms, EDRi is in a position to continue to grow sustainably, to ensure that the voice of digital rights is heard on all relevant dossiers on an EU level, and that EDRi's members have the support to work effectively on EU issues, and the information to engage productively with their national governments and representatives with regard to these issues. In the immediate future, however, EDRi's organisational growth is taking place in the midst of a particularly busy legislative period, which is an ongoing challenge. The output of the European institutions is continuing to grow at a rate that is faster than the speed that the organisation can sustainably grow. As a result, the organisational development, strategic planning and evaluation is an ongoing process.

EDRi member CCC campaigns to provide Internet access to refugees in Germany

EU Court of Justice declares the "Safe Harbor" agreement to be invalid

Belgian Big Brother Awards

October   1   2   3   4   5   6   7   8   9   10   11   12   13   14   15

New proposals for dragnet surveillance underway in Finland and the Netherlands

EDRi presents to the House of Lords on the regulation of online platforms

The Brussels office

The EDRi office continues to grow! Despite the fact that EDRi is still dramatically under-resourced, we were able to grow to six paid staff at the end of 2014. This enabled us to cover more issues and increase the number of meetings with representatives from all three European institutions, consumer protection organisations, civil society groups in related fields, industry lobbies, and other policy-making bodies.

And of course, we would not have been able to achieve in 2015 without the support of our dedicated interns Aldo, Inka, Julian, Morana and Pedro.

EU Parliament votes
to adopt the "net
neutrality regulation"

October 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

EDRi co-organises:
"Freedom not Fear", a privacy
advocates' summit in Brussels

Our meetings with the European Parliament

MEP

ALDE
ECR
KostasChrysogonos
Greens/EFA
MarjuLauristin
EvelyneGebhardt
JoséBlanco
AnnaleenVanBossuyt
EPP
PascalArimont
JanAlbrecht
KajaKallas
IsabellaAdinolfi
KatiPiri
HelgaStevens
MarietjeSchaake
EFDD
GUE/NGL
JuliaReda
DietmarKoester
AlissaMosca
SophieIn'tVeld
MichalBoni
MiapetraKumpula-Natri
DarioTamburrano
Hans-OlafHenkel
AnaGomes
MaryHoneyball
CorneliaErnst
S+D

Our meetings with the European Commission

Ansip
Trade
Home
Vestager
Commissioner
Oettinger
CNECT
Cabinet
Justice
DG
Grow

Dutch Big Brother
Awards go to Minister
of Interior and National
Police Force

School of Rock(ing)
Copyright, Warsaw

Paris attacks

November
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15

Austrian Big Brother
Awards go to the new
intelligence services
act

UK government
publishes a draft of
the long-awaited
Investigatory Powers Bill

EU and US NGOs propose
privacy reforms following
the invalidation of "Safe
Harbor"

31

Permanent Representations
Sweden Poland Denmark UK Germany DutchYoungDemocrats Lithuania CouncilPresidency Luxembourg Austria Danish-Social-Liberals France Latvia

Launch of the
NetCompetition
Alliance

EDRi participates in the African
Union-European Union Civil
Society Seminar on AU-EU
Human Rights Dialogue

November   **16**   17   **18**   19   20   21   **22**   23   24   **25**   26   27   28   29   30

We publish our analysis of
the loopholes in the draft
Data Protection Directive
for law enforcement

Our meetings with companies

PoliticalIntelligence
Google Microsoft Yelp
EDIMA EuroIspa
Fastweb CCIA
Mozilla
Twitter

Our meetings with organisations

SocialPlatform
FREE-Group
StiftungNeueVerantwortung
OpenSocietyFoundation-EuropeanPolicyInstitute
FEMYSO
Wikimedia WDR-Rundfunkrat EDRi-members
AmnestyInternational Creative
Centr TransparencyInternational
Transport+Environment ENAR FairTrialsInternational Communia
AEDH CorporateEuropeObservatory TACD
Fastweb BEUC FIDH
BEREC EDPS Commons

EU Commission launches the EU Internet Forum to cooperate with IT companies to censor online contents

We publish our document pool on the EU Parliament's resolution on the Trade in Services agreement (TiSA)

FAQs on the Passenger Name Records (PNR) published

**December** 1 2 3 4 5 6 7 8 9 10 11 12 13 14 **15**

ENDitorial: After Paris attacks- selling freedom for security

We launch a citizen guide to the EU Commission's platforms consultation

EDRi provides input to the Body of European Regulators of Electronic Communications (BEREC) Net Neutrality Expert Working Group

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Publications and press

In 2015, we released two influential publications (edri.org/papers): a collection a science-fiction short stories in the form of an ebook to celebrate the 300th edition of our newsletter, and a booklet on TTIP and its impact on digital right.
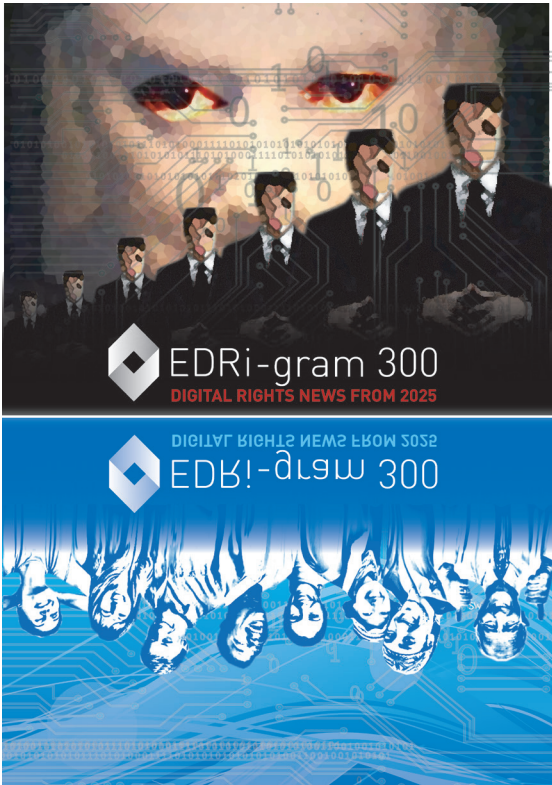
The EU adopts
the biggest data
protection law in
the world

EDRi speaks
at 32C3

December 16 **17** 18 19 20 21 22 23 24 25 26 **27** 28 29 30 **31**

EDRi's press
review 2015

Press

We have been frequently quoted by the press around the world, such as the Guardian, The New York Times, Der Spiegel, Financial Times, Le Monde, El Pais, etc. Our press review for last year can be found at https://edri.org/edris-press-review-2015/.
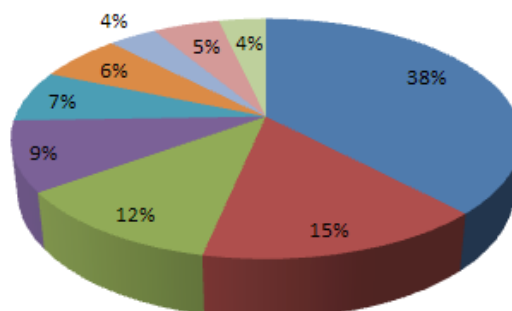
Our article on the new Microsoft Privacy Agreement for Windows 10 was the most popular post and was widely quoted by major press organisations – after its publication the number of visits to our website exceeded 275,344 in July. In September, we achieved 200% of the unique website visits that we achieved in the entire year of 2014.

Finances

The organisation submitted one successful grant proposal to the World Wide Web Foundation to work on network neutrality, secured a donation by the Stichting Democratie en Media and renewed grants with the Open Society Foundations (OSF) and the Adessium Foundation in the third quarter of 2015.

In addition, we carried out a successful fundraising campaign at the beginning of 2015 and launched an official "EDRi Supporter" status to encourage and facilitate regular individual donations. We were able to diversify our funding sources to ensure sustainability and independence:

EDRi's budget in 2015: 427,273 EUR

- Adessium = 162,000 EUR
- Open Society Foundations = 65,845 EUR
- Stichting Democratie en Media = 50,000 EUR
- Corporate donations (Google, Mozilla Corp, Twitter, CyberGhost, gandi, EuroZine, IIS.se) = 40,306 EUR
- Individual donations = 29,644 EUR
- Members and observership fees = 26,857 EUR
- Non corporate donations (Chaos Computer Club, EPIC, ITPol) = 15,720 EUR
- Projects = 21,544 EUR
- Other (tax reimbursements, rent contribution by Access Now) = 15,357 EUR

EDRi members

In 2015, 31 civil rights organisations from across Europe were a member of EDRi: