EDRi

EUROPEAN DIGITAL RIGHTS

ANNUAL REPORT
2016

JANUARY 2016 – DECEMBER 2016

European Digital Rights (EDRi)

European Digital Rights (EDRi) is the biggest European network and thought leader defending rights and freedoms online. Our mission is to promote, protect and uphold the right to privacy, data protection, liberty, freedom of expression and information, and the rule of law.

In 2016, 31 civil rights groups from across Europe are a member of EDRi. Our members work to ensure respect for civil and human rights in Europe's countries - with a strong focus on empowering individuals - in response to the growing number of actions by governments and corporations that threaten core democratic rights.

EDRI'S STAFF IN BRUSSELS

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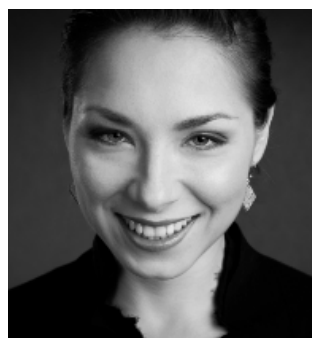
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Preface

Sometimes it feels that the only constant in EDRi's environment is permanent change.

The online environment is subject to rapid technological advancements that create new opportunities for the exercise of human rights. However, developments often lead to a decreased protection of personal data and privacy and significantly damage citizens' trust in the online environment. The political environment on both EU and national levels is still dominated by the impacts of the financial crisis, increasing nationalism and the lack of sustainable answers to war and political extremism. This leads to a constant challenge for the defence of citizens' rights and freedoms online, including populist demands for increased surveillance and privatised content restrictions.

EDRi anticipates future developments and integrates them in its plan to ensure effectiveness, growth and sustainability. With the reform of our organisational structure successfully completed and the implementation of our multi-annual strategy underway, EDRi started a project in 2016 to strengthen its network and representation across Europe and on the international level. With this initiative we want to achieve an even closer cooperation amongst our member organisations, an improved outreach to the general public and a more powerful representation of citizens' interests.

Our role is to ensure that citizens' digital rights and freedoms are promoted and respected whenever they are endangered by the actions of political bodies or private organisations. To this end, we need to ensure that we speak with one strong voice. Together with our members, observers, national and international partners and with the powerful help of our supporters and individual contributors, we will continue to make sure that technological advancement goes hand in hand with a proper promotion and protection of our rights and freedoms. Technology should serve people, not the other way around.

This annual report gives an overview of our successful cooperation on topics as diverse as network neutrality, data protection and privacy, trade agreements, the rule of law, internet governance, copyright, surveillance, globalisation and others. It serves as a showcase for the success that lies in European and international cooperation. It is a clear demonstration that initiatives of a few can better the world for the many.

Let's continue on this path and collectively create an even stronger voice for our digital rights on the national, European and international level. We count on you, as you can count on us.

Thank you for everything you do.

Andreas Krisch

President

The year 2016

In January 2016, the UN High Commissioner for Human Rights noted that the central challenge was ensuring that governments continue to support a human rights agenda despite the rise of violent extremism and extremist thinking. Importantly, he noted that any more repressive approach would have the reverse effect of reinforcing the narrative of extremist ideologies.

The terrorist attacks in 2015 and 2016 had major implications for our work and impacted the political agenda. As a result, we saw a fast-tracking of surveillance and security measures that our analysis found to be in violation of fundamental rights.

In spite of the tragic events, we had a victory for rights and freedoms in August, when Europe's fight for strong net neutrality rules ended successfully. We continued to focus our key campaigns on the right to privacy - with the upcoming reform of EU-wide rules on online tracking and encryption (ePrivacy), and the preparation for the implementation of the General Data Protection Regulation (GDPR) that was approved in April 2016.

Moreover, following an initiative at our annual General Assembly, we were proud to announce the creation of a working group led by our member Bits of Freedom and composed of our members and observers, that drives cooperation within the network.

Finally, we invested in improving the sustainability of the organisation, we carried out an evaluation of our fundraising activities and grew the Brussels team from six to eight staff members.

! Our **BIGGEST CAMPAIGNS** in 2016 focused on data protection and privacy, surveillance, copyright reform and network neutrality.

Key Achievements 2016

#privacy We successfully advocated for a reform of privacy rules in electronic communications (ePrivacy) and played a key role in the civil society efforts that led to the adoption of the EU's General Data Protection Regulation (GDPR) in April 2016.

#netneutrality We scored a big success in our top priority issue and secured net neutrality in Europe. This victory was the outcome of more than five years of hard work and the input from over half a million citizens responded to the net neutrality consultation in 2016.

#dataprotection We released influential analysis that contains implementation guidelines for the General Data Protection Regulation. We published two documents highlighting the numerous, unpredictable flexibilities in the legislation and how they should be implemented.

#saferinternet We published the "Digital Defenders", a comic booklet to help kids make safer and more informed choices about what to share and how to share online. It turned out to be a huge success - the original English version of the booklet has been downloaded from our website over 25 000 times and published in Serbian, Turkish, German, Greek, Spanish and Italian, with other translations on the production line.

#anti-terrorism While we regret the adoption of an ambiguous Directive, we successfully requested the deletion of many harmful parts that were proposed in the course of the legislative discussions and the clarification of some of the ambiguous language.

#privacyshield Our criticism of the new so-called Privacy Shield was echoed by many experts in the European institutions and bodies (the European Parliament, the European Data Protection Supervisor, and the European Ombudsman) and led to mainly negative press coverage for the Commission and continued pressure for a more credible solution.

#fundraising We carried out an evaluation of our fundraising activities and, in parallel, developed a sustainable financing strategy for the organisation.

DATA PROTECTION AND PRIVACY

We carry more intimate, detailed information on the devices in our pockets and on our wrists than one would expect to find in a personal diary. Our browsing history alone can already tell a lot about us and who we are, where we are, what we do in our free time, our fears, our political views and our relationships. Uncontrolled data collection practices by private companies put users' rights and freedoms increasingly at risk.

Data protection and privacy

EUROPEAN UNION

In April 2016, we welcomed the approval of long-awaited European data protection and privacy rules. The General Data Protection Regulation (GDPR) is designed to give individuals in the EU better control of their personal data and improve harmonisation and clarity for businesses. It allows national regulators to impose heavy fines – as much as 4% of the annual, global turnover of a company, when this is merited. As a result, Europe's citizens will benefit from updated rules to enforce their privacy rights. For example, individuals can ask for the deletion, correction and, for the first time, portability of the data they provide to an online service.

What is more, the EU now has the opportunity to maintain its role as a global standard setter for the protection of our rights and freedoms with the reforme of its ePrivacy rules. The reform seeks to reinforce the right to privacy and control of data for individuals in Europe, in the context of their electronic communications. The rules, which traditionally only covered telecoms companies will be extended to cover messaging, email and voice services – such as those provided by Facebook, Google and Microsoft.

While we were successful in our demands for a comprehensive reform of the rules, a succession of leaks showed that industry lobbying managed to weaken the proposal. In the coming months, we need to make sure that the draft rules are strengthened and not further watered down during the legislative process in the EU Parliament.

01011100011**JANUARY**111001011010111000110010110101110001110010110101110001110010110101110001110001100

26 JANUARY
We co-organise the PrivacyCamp.EU in Brussels, Belgium

28 JANUARY
We participate in a dinner with the EU and US Safe Harbour negotiators at the US ambassador's residence

12 JANUARY
We present to the Article 29 Working party to discuss the aftermath of the Safe Harbor agreement

27-29 JANUARY
We speak at the Computers, Privacy and Data Protection (CPDP) Conference, in Brussels, Belgium

15 JANUARY
We meet with the EU Commission (DG CONNECT) to discuss the reform of ePrivacy rules

EDRI'S MEMBERS

Germany

The German government prepared for the implementation of the GDPR. Digitale Gesellschaft analysed the proposals and issued an opinion (pdf).

Digitalcourage continued to maintain their exit nodes for the Tor network which helps keep online activity anonymous. The organisation also published a reaction to a draft data protection law „Allgemeines Bundesdatenschutzgesetz".

The Chaos Computer Club continued its "Chaos macht Schule" project to teach privacy at schools, uncovered security flaws in the wifi service in German trains and demonstrated at the 33rd annual Chaos Communication Congress how airline bookings can be hacked to steal airline miles, cancel flights or change information on the ticket.

Denmark

IT-Pol contributed to the EU level discussions and was frequently quoted in Danish media on issues related to privacy and data protection.

Netherlands

Bits of Freedom contributed to EDRi's EU level working groups on data protection and privacy. The organisation also maintained its Internet Freedom Toolbox and organised Privacy Cafés to empower users to take control of their data online. Finally, Bits of Freedom published impressive research results regarding Dutch data brokers.

01011100011**FEBRUARY**11100101101011000111001011010110001100101101011100011100101101011100011100

4 FEBRUARY
We welcome the European Parliament's strong position on TiSA

23 FEBRUARY
UN expert Alfred de Zayas publishes an article by us on digital rights and trade agreements

29 FEBRUARY
We publish our reaction to the EU-US "Privacy Shield" - the same unsafe harbour

Poland

The Polish Government started the implementation process of the GDPR, which seemed badly coordinated. Panoptykon therefore sent requests for public information to all Polish ministers asking for their plans.

In addition, the Polish Ministry of Digitization started public consultations on the reform of the ePrivacy Directive in which Panoptykon took part.

Romania

Our Romanian member ApTI produced a series of popular privacy videos that were translated into English (more languages to follow).

Sweden

In 2016, DFRI continued to run a number of large exit-relays in the Tor network and even increased their capacity. DFRI also submitted written comments on a number of proposed national laws that affect privacy (such as on online gambling). Lastly, DFRI organised a Cryptoparty to pass on knowledge about how to protect oneself in the digital space.

Turkey

The Turkish Parliament adopted a Data Protection Law on 24 March and it entered into force on 7 April 2016. Although the new law does not explicitly mention several security agencies such as police and secret service, it has several exemptions which will pave the way for these organisations to use the instrument as a legal basis for collecting and processing data on a massive scale. Alternatif Bilisim published a statement on the law.

010101110001**MARCH**111100101101011100011100101101011100011100101101011100011100101101011100011100

1-3 MARCH
We participate in the Observatory of IP Infringements Working group meetings in Alicante, Spain

9 MARCH
We publish a joint civil society statement on counter-terrorism and human rights

30 MARCH – 1 APRIL
We participarte in RightsCon in Silicon Valley, US

18-20 MARCH
EDRi General Assembly in organised in Berlin, Germany

6-7 MARCH
We participate in Internet Freedom Festival in Valencia, Spain

31 MARCH
Launch of the Save The Internet consultation to save net neutrality in Europe

Moreover, Alternatif Bilisim organised data protection training sessions in Akademik Bilisim and TAK Kadıkoy, Istanbul as well as data protection, privacy and virtual reality training session in Kaos GL new media school in May 2016.

🇬🇧 UK

Open Rights Group (ORG) analysed the first leaks of the ePrivacy reform.

ORG fought for privacy rights in the Digital Economy Bill and raised concerns regarding proposals for bulk data sharing raised concerns over the risk of misuse of data collected. The organisation sent a briefing to the House of Commons.

🌐 International

Access Now continued to extensively cover the finalisation of the GDPR and its relationship with other EU legislation. They vocally defended the e-Privacy and its necessity in spite of heavy industry push-back in Brussels and did an in-depth analysis of the draft text.

Access Now also provided feedback to the Article 29 Working Party on data protection regarding the Privacy Shield and raised concerns over the content of the arrangement to the public and lawmakers. Similarly, they provided analysis to and campaigned against the adoption of the Umbrella Agreement which fails to adequately protect the rights of EU citizens.

010101110001**APRIL**1110010110101110001110010101101011100011100101101011100011100101101011100011100 101

6 APRIL
We present at the EU Parliament hearing "The Reform of the e-Privacy Directive: How to get it right?"

13 APRIL
Adoption of the General Data Protection Regulation (GDPR) and the Directive on the profiling of air passengers (PNR, Passenger Name Records)

15 APRIL
We respond to the consultation on the evaluation and modernisation of the legal framework for the enforcement of intellectual property rights (IPR)

PUBLICATIONS

- GDPR document pool

- Submission to the Article 29 Data Protection Working Group to discuss the aftermath of the Safe Harbor ruling

- Data Protection Reform – Next stop: e-Privacy Directive

- European Parliament confirms that "Privacy Shield" is inadequate

- Our response to the public consultation on the reform of the ePrivacy Directive

- Analysis of the flexibilities of the General Data Protection Regulation (GDPR)

- Analysis of the ePrivacy Directive to inform policy makers about the importance of the instrument in an article and as pdf

- e-Privacy Directive: Frequently Asked Questions

- A successful comic booklet to empower kids to defend their privacy online: "Digital Defenders" (downloaded over 25,000 times during the reporting period, translated into Serbian, German, Greek, Italian and Turkish).

- A successful campaign series about privacy and freedoms which was an outcome of the OSF Berlin meeting in February 2016:

- #1 Freedom to be different: How to defend yourself against tracking

- #2 Freedom to have secrets: How to keep your information private

- #3 Freedom to make mistakes: How to defend yourself from abuses

- #4 Freedom not to be manipulated: How to fight weapons of math destruction

- #5 Freedom not to be labelled: How to fight profiling

- #6 Freedom to stay anonymous: How to defend yourself against online surveillance

SURVEILLANCE

In response to the 2015 and 2016 terror attacks, Europe's governments pushed ahead with anti-terrorism measures (Directive on combating terrorism), adopted the previously rejected proposal for the monitoring of air passengers (EU PNR), and passed many disproportionate surveillance measures.

Surveillance

EUROPEAN UNION

In response to the 2015 and 2016 terror attacks, Europe's governments pushed ahead with anti-terrorism measures (Directive on combating terrorism) and adopted the previously rejected proposal for the monitoring of air passengers (EU PNR). Despite the fact that EDRi worked hard to fight against the Europe-wide storage of air passenger data for profiling purposes in the past years, the majority of Parliamentarians and governments in the EU Council adopted the measure. This adoption also came in spite of a pending European Court of Justice (CJEU) ruling on the lawfulness of air passenger data collection.

In the past year, our fight against surveillance focused on the Directive on Combating Terrorism ("Anti-Terrorism Directive"). At different times of the legislative process, the text included provisions:

-   to undermine encryption and the use of anonymity networks like TOR;

-   on blocking and removal of online content, including encouragement for voluntary actions taken by the internet industry,

-   on making "glorification and justification of terrorism" punishable as a criminal offence without clear limitations,

-   to promote non-targeted surveillance capacities of Member States (such as "the taking and the fixing of audio recordings in private or public vehicles and places, and of visual images of persons in public vehicles and places"),

-   an overly broad definition of terrorism by including "cyber or any other form of attack" (whatever that may mean) on top of criminalising attacks to information systems without clear limits.

01011100011**MAY**111001011010111000110010110101110001100101101011100011100101101011100011100 10110

2-6 MAY
We participate in
re:publica 2016 in
Berlin, Germany

20 MAY
We speak at the conference "Copyright
for start-ups" in Madrid, Spain

23 MAY
We launch the #Copyfails series to show
cases where copyright rules do not work and
are harmful for human rights online

24 MAY
We speak at the INTA public hearing on
"international digital trade in goods and services"

31 MAY
EDRi and Access Now
announce their decision to
leave the EU Internet Forum

30 MAY
EU Ombudsman launches
an investigation on the EU
Commission's refusal to release
EU Internet Forum documents

25 MAY
Launch of EDRi's working group
to improve the functioning of the
network

As we remained closely involved in the process, despite the lack of transparency of the trilogue negotiations (between the three EU institutions), some of our recommendations were taken on board in the final version of the text of the Directive. Finally, the EDRi network fought against attempts to weaken encryption standards, not only in the Anti-Terrorism Directive, but also in many countries around the globe.

EDRI'S MEMBERS

Austria

Epicenter filed a lawsuit before the Constitutional Court of Austria against the "State Protection Act" (Polizeiliches Staatsschutzgesetz). This law establishes a new intelligence agency in Austria with broad surveillance powers. Epicenter ran a campaign over several months with over 30 000 signatures and various physical actions and media stunts.

Denmark

IT-Pol participated in meetings between civil society and the Ministry of Justice about the upcoming revision of the Danish data retention law. Moreover, IT-Pol has been closely following the Danish government's plans for predictive policing and data collection on innocent citizens.

Germany

Digitale Gesellschaft ran a campaign against the reform of the German intelligence service BND, online and with demonstrations in front of the Bundestag.

Digitalcourage have brought a case against the new data retention law in Germany, with over 32 000 people co-signing the complaint. Digitalcourage also organised the Big Brother Award ceremony in April 2016.

01011100011**JUNE**111001011010111000111001011010111000111001011010111000111001011010111000111001011010111000111001010101

9-10 JUNE
We speak at the EuroDIG in Brussels, Belgium

1 JUNE
We publish our response to a proposal for a mandatory Transparency Register

15 JUNE
EDRi members meet-up in Brussels, Belgium

16 JUNE
We participate in the European Data Protection Supervisor (EDPS) civil society summit

21-23 JUNE
We participated in the OECD Ministerial Meeting and CSISAC meeting in Cancun, Mexico

16 JUNE
We co-organise an event in the EU Parliament: "Privatising the rule of law online: Freedom of speech, copyright and platforms in the digital single market"

21-23 JUNE
We speak at the Fundamental Rights Forum 2016

22 JUNE
We publish analysis on the topic of zero rating: "Why it is dangerous for our rights and freedoms"

The Chaos Computer Club also reacted to the BND proposal and contributed to a technical expert opinion to the German Bundestag.

Netherlands

Bits of Freedom's lobbied against backdoors in encryption, a position that is now being shared by the Dutch government.

In 2016, Bits of Freedom ran two national campaigns, one against the proposal for hacking powers for the Dutch police and another against dragnet surveillance powers for the Dutch intelligence services.

Finally, the organisation hosted another successful edition of the Dutch Big Brother Awards, during which the positive award was given to Open Whisper Systems.

Poland

The Polish government changed a law on data retention ("Invigilation Bill"). It granted new powers to police and secret services, such as easy access to Internet users' data. Panoptykon informed the public about the developments (over 100 media interactions) and took an active part in the legislative process. In the absence of fundamental changes in the project, Panoptykon organised – together with Amnesty International – a demonstration in front of the Presidential Palace.

Another controversial proposal introduced by the new government was an Anti–Terrorism Law. It contained measures like wiretaps without judicial review, blocking of websites and collecting foreigners' DNA and fingerprints. Panoptykon took an active part in the legislative process, engaged other organisations and citizens, launched an online petition and ran social media campaigns.

JULY

5 JULY
We publish our response to the public consultation on the reform of the ePrivacy Directive

5 JULY
We publish analysis for the implementation of new data protection rules in Europe: "Proceed with caution"

6 JULY
We publish analysis of the ePrivacy Directive to inform policy makers about the importance of the instrument

12 JULY
The flawed EU-US Privacy Shield agreement goes into effect

18 JULY
We publish our written input to the BEREC draft guidelines on net neutrality

19 JULY
Court of Justice (CJEU) ruling confirms: Strict safeguards essential for data retention

Romania

ApTI campaigned against a new draft law on cyber security and a draft law on mandatory registration of pre-paid SIM cards that were proposed by the government to offer new powers to intelligence forces. Both draft laws were stopped.

In August 2016, ApTI uncovered how the EU funds dedicated to e-government interoperability were used for a secret mass surveillance project implemented by the Romanian secret service.

Serbia

Although no new surveillance laws were passed in Serbia in 2016, it is important to note that communications data retention for a 12-month period is still obligatory according to the Law on Electronic Communications.

Spain

Our Spanish observer Xnet lobbied and campaigned against Spanish "Gag Laws" particularly with regard to its repercussions on privacy and freedom of expression online.

Sweden

In Sweden, the government rapidly advanced an agenda to extend online surveillance.

Our Swedish member DFRI submitted a briefing on the interception of personal communications to the Human Rights Committee (together with Privacy International and Civil Rights Defenders, pdf). DFRI also submitted a number of briefings to other proposals that would have a negative impact on privacy or online freedoms.

Finally, DFRI protested against increased surveillance and was thrown out of a conference on surveillance cameras.

AUGUST

29 AUGUST
Net neutrality victory in Europe!

30 AUGUST
We attend the BEREC press conference on the net neutrality guidelines

Turkey

The government's clampdown on the internet increased significantly after President Erdogan declared national State of Emergency in the wake of the 15 July 2016 coup attempt. The Executive Order KHK 671 issued in August 2016 increased the powers of the Telecommunications Authority (BTK) to restrict communications and media coverage whenever there is a political incident or a terrorist act. Alternatif Bilisim campaigned against these measures and raised awareness about the national situation during the Internet Conference (2016), the Freedom not Fear conference in Brussels and supported the @TurkeyBlocks initiative which maps internet shutdowns.

UK

In the UK, a mass surveillance law was being rushed through legislative process. Open Rights Group (ORG) ran an extensive campaign. ORG also published analysis of the judgement by the EU Court that slammed the UK's data retention surveillance regime.

International

Access Now remained a vocal opponent to the spread of PNR legislation around the EU. In November, they sent a letter to the Internal Market Commissioner Elzbieta Bienkowska urging her to launch of an infringement procedure against Belgium because of the government's plan to restrict the freedom of movement of persons within the European Union. The organisation criticised the adoption of the EU PNR and ran a campaign to help individuals communicate their concerns with their MEPs.

Data retention was also on the radar with the advocate general opinion on the Tele2 Watson case being less than decisive. Access Now repeatedly submitted comments to and coverage of the IP Bill in the UK which unfortunately means more surveillance for our neighbors. Access Now covered the EU conversations around encryption, ending with a campaign at the end of the year. Finally, they continue to heavily push back on the Smart Borders package which continues to threaten fundamental rights of Europeans.

PUBLICATIONS

- [Document pool on the Anti-Terrorism Directive](#)

- [EDRi's recommendations for the EU Parliament on the Anti-terrorism Directive](#) (pdf)

- [EDRi's analysis and comments for the fourth trilogue negotiations](#)

- Press release: [Joint civil society statement on counter-terrorism and human rights](#)

- Press release: [Vote on Data Protection and Passenger Name Record package](#)

- Joint civil society statement: [European Union Directive on counterterrorism is seriously flawed](#)

- [An infograph to explain the legislative process of the Anti-Terrorism Directive to the general public](#)

- ENDitorial: [Next year, you'll complain about the Terrorism Directive](#)

- [Terrorism and internet blocking – is this the most ridiculous amendment ever?](#)

- [Civil society analysis (together with AccessNow and Digitale Gesellschaft) on the Amendments (pdf)](#) and [Compromises (pdf)](#) on the Anti-terrorism Directive
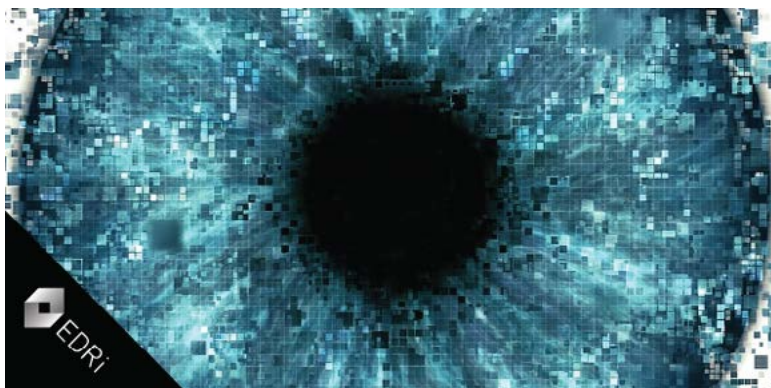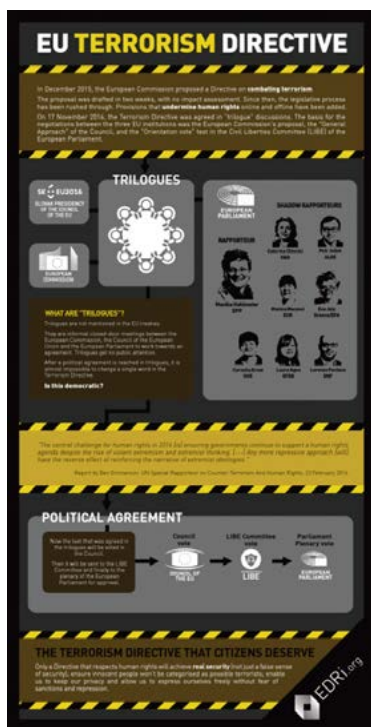
NETWORK NEUTRALITY

Net Neutrality means that all internet traffic is treated equally, without discriminating in for or against certain data. Net neutrality is therefore crucial for fair competition between online services, for innovation, and for freedom of expression online. Thanks to years of work, the non-discrimination of communications is now guaranteed by law across the European Union.

Network neutrality

EUROPEAN UNION

The most important piece of legislation to safeguard internet freedoms in Europe, the "Telecoms Single Market Regulation", was adopted in October 2015. One of its provisions establishes a legal requirement for net neutrality.

From 2009 to 2014, we repeatedly persuaded the European Parliament to adopt non-binding resolutions in favour of net neutrality. In 2014/2015, we campaigned for a legislative proposal, which was ultimately adopted. In 2016, we contributed to the coalition of NGOs and the "Save the Internet" campaign, which mobilised almost half a million citizens to reply to a public consultation. Similar to the process in the USA in 2014, the Body of European Regulators for Electronic Communications (BEREC) seized the opportunity to take the necessary steps to keep broadband networks open, accessible, reliable and affordable for everyone across the EU and a global example. BEREC produced its guidelines for the Member States on 30 August.

EDRI'S MEMBERS

Austria

Epicenter coordinated the www.savetheinternet.eu campaign and had several meetings with national telecom regulators and issued legal analysis during the process.

Epicenter continued to ensure the application of the new net neutrality rules by pushing for an enforcement action against a net neutrality violation by Austrian provider Hutchison Drei. In response to Epicenter's complaint to the Austrian regulator, the products in question were withdrawn.

010101110001**SEPTEMBER**111001011010110001110010110101110001110010110101110001110010110101110001111

2-3 SEPTEMBER
We speak at the MyData Conference in Helsinki, Finland

8 SEPTEMBER
European Court Opinion: Flight passenger data (PNR) surveillance deal with Canada cannot be signed

14 SEPTEMBER
The EU Commission proposes a new copyright directive that fails at every level

29 SEPTEMBER
We speak at the Council of Europe, Committee of experts on Internet Intermediaries (MSI-NET)

8 SEPTEMBER
We co-organise an event at the EU Parliament: "Copyright reform: Unlocking copyright for users?"

14 SEPTEMBER
We speak at "Gaining a digital edge" event organised by the Organisation for Security and Cooperation (OSCE) in Vienna, Austria

20 SEPTEMBER
We speak at Greenpeace's press conference on TiSA leaks

27-29 SEPTEMBER
We speak at the WTO Public Forum on "Inclusive Trade" in Geneva, Switzerland

Belgium

Before the finalisation of the BEREC guidelines, EDRi's observer member NURPA met with the Regulatory Authority IBPT in order to communicate civil society position for the net neutrality guidelines. Furthermore, the organisation mobilised Belgians to respond to the consultation and gave several workshops explaining the concept and importance of net neutrality.

Denmark

IT-Pol focused on contributing extensive expert input to the EU level working group on "Save the Internet".

Germany

In Germany, Digitale Gesellschaft campaigned against the breach of duty of care (Störerhaftung) for wifi owners, mobilised German citizens to respond to the "Save the Internet" consultation and pushed for broadband development.

Netherlands

With the help of Bits of Freedom, the Netherlands pushed for an interpretation of the new European net neutrality rules that explicitly prohibits zero rating. BoF also successfully campaigned for the removal of a provision for an internet filter from the proposal to regulate online gambling.

Romania

Our Romanian member ApTI was part of the "Save the Internet" campaign and organised a debate with the National regulator (ANCOM).

010111000011**OCTOBER**11100101101011100011100101101011100011100101101011100011100101101011100011100

7 OCTOBER
Our candidate wins the Big Brother Award 2016: Facebook receives "privacy villain of the year" award

7 OCTOBER
"Das ist Netzpolitik" conference in Berlin, Germany

12 OCTOBER
Launch of the IViR study "Trade and privacy: complicated bedfellows?"

14-17 OCTOBER
"Freedom not Fear" conference in Brussels, Belgium

18 OCTOBER
We publish the "Digital Defenders" - a comic booklet to teach privacy to kids

29-30 OCTOBER
We participate in MozFest in London, UK

Serbia

Mobile networks operators in Serbia regularly offer their users priority access to popular social networking sites such as Facebook or Twitter, or messaging apps (WhatsApp, Viber) and thereby violate the principle of non-discrimination and net neutrality. There have been no formal complaints in Serbia yet, Share Foundation is however closely monitoring the situation.

Spain

Xnet was involved in the "Save the Internet" campaign, including mobilisation of national responses to the consultation and a mapping action.

Xnet and EDRi met the Spanish Regulatory Agency (CNMC) on behalf of the SavetheInternet.eu campaign.

Xnet sent a letter to the Ministry of Energy, Tourism and Digital Agenda about the application of new net neutrality rules in Spain.

International

Throughout 2016, Access Now also continued their work within (and with) the savetheinternet coalition to campaign for strong BEREC guidelines (link to AN submission) for firm implementation of net neutrality; we got to celebrate!

010011100011**NOVEMBER**111001011010111000111001011010111000111001011010111000111001011010111000111

17 NOVEMBER
We participate in the Annual
Colloquium on Fundamental Rights in
Brussels, Belgium

30 NOVEMBER
We speak at the Canadian
Parliament's Standing Committee
for Human Rights

25 NOVEMBER
New leaks confirm TiSA proposals that
would undermine civil liberties

30 NOVEMBER - 2 DECEMBER
Observatory of IP
Infringements, Working group
meetings in Milan, Italy

PUBLICATIONS

- The NetCompetition principles together with our partners

- Input to the Body of European Regulators of Electronic Communications (BEREC) on Net Neutrality

- Press release: Save the Internet – Final consultation to save the open Internet in Europe

- Press release: Dutch government prohibits price discrimination for internet access

- Press release: SAVE THE INTERNET: Good work by BEREC undermined by industry lobbying

- Press release: EDRi and 72 other NGOs send letter to EU regulators on net neutrality

- Policy analysis on the topic of Zero rating: Why it is dangerous for our rights and freedoms

- Several "sharepics" that we distributed via social media to explain the topics of "zero rating", "traffic management" and "specialised services"

- Written input to the BEREC draft guidelines (pdf)

- Press release: Net neutrality wins in Europe!

- Net neutrality violations ceased after AKVorrat intervention

COPYRIGHT REFORM

The EU's online copyright legislation is well more than half as old as the world wide web itself. It is severely out of date and urgently needs meaningful revision. It currently negatively impacts citizens by placing absurd and unpredictable restrictions on the use of cultural goods that benefit neither authors nor the rest of the society.

Copyright reform

EUROPEAN UNION

Last year, we called for an end to the fragmentation of 28 different national copyright regimes in the EU. The EU Commission asked for input on the issues of ancillary copyright and the panorama exception through a public consultation (our response, pdf). EDRi contributed to the creation of an answering guide along with the Copyright for Creativity Coalition (C4C) to help citizens respond to the consultation.

The publication of the legislative proposals mid-September however ignored facts and flaws that the EU Commission had itself previously identified in public consultations. Worse, it includes a proposal to filter all uploads which could seriously undermine citizen's right to privacy and to freedom of expression. We therefore met with many policy-makers in the Commission and in Parliament to communicate our position.

EDRI'S MEMBERS

Austria

Epicenter provided legal analysis to the consultation of the Austrian Justice Ministry on the topic of fair use and upload filters in the EU copyright reform.

Germany

The Chaos Computer Club launched a tool ("Abmahnbeantworter") to help citizens respond to quasi-automated accusations of copyright infringement, which has become a business model generating millions of Euro for specialised law firms in Germany.

010101110001**DECEMBER**11100101101011100011100101101011100011100101101011100011100101101011100011100101101011100011100

4-8 DECEMBER
We participate in and spoke at the Internet Governance Forum (IGF) in Mexico

12 DECEMBER
We participated in the EU Export Control Forum 2016 at the European Commission in Brussels, Belgium

Romania

AptiRo organised [events and round tables](#) around the copyright reform discussions in July and November 2016.

Serbia

In November 2016, a draft of Intellectual Property Strategy 2016-2020 was published for public discussion in Serbia. Among other details, the proposed document contained suggestions such as removal of "disputed" websites, seizures and takedowns of domain names of websites, collecting data on transactions from online payment service providers and online advertising providers. EDRi's observer member Share [submitted detailed comments](#) to promote the access to culture, knowledge, digitisation, innovation, education, privacy and freedom of expression in the online environment.

Spain

In Spain, Xnet welcomed the decision of the EU Court of Justice that declared the private copying levy under State's Budget [contrary to EU law (pdf)](#).

Turkey

A draft law is expected to be enacted by the commission of the Turkish Parliament. The draft law comprises changes in relation to the copyright holders, users, operation of collective licensing bodies, and other changes in relation to the implementation of Law No. 5846.

Our Turkish member Alternatif Bilisim monitored recent jurisprudence of the Turkish High Court of Appeals, which deals mostly with the use of computer programs without a licence, adaptation of works without the permission of their authors or the right of the judges' discretion in relation to the determination of compensation payable to the author as a result of infringement.

USA

Our US member EFF [monitored closely a new requirement](#) that Internet services register an agent to receive DMCA complaints every three years. Meanwhile, EFF is engaged in an ongoing consultation about the possible reform of the DMCA safe harbor scheme.

UK

Open Rights Group [raised concerns](#) regarding the copyright enforcement proposals of the Digital Economy Bill and criticised them for the vagueness of the definition of "risk of loss" and the severity of the maximum sentence (10 years in prison).

PUBLICATIONS

- [Copyfails: Time to #fixcopyright!](#)

- [Copyfail #1: Chaotic system of freedoms to use copyrighted works in the EU](#)

- [Copyfail #2: EU's failure to give blind people equal access to books](#)

- [Copyfail #3: Google and Facebook becoming the Internet police force](#)

- [Copyfail #4: Authors not getting a fair remuneration](#)

- [Copyfail #5: Excessive copyright protection term killing creativity and access to culture](#)

- [Copyfail #6: The "Google tax"- not a tax and Google doesn't pay](#)

- [Copyfail #7: Not allowing research via "commercial" text and data mining](#)

- [Copyfail #8: Geo-blocking: Blocking access to cultural content online depending on your physical location](#)

- [Copyfail #9: Digital Rights Management (DRM): Restricting lending and borrowing books and music in digital format](#)

- [Bonus track: Copyright levies](#)

- [Open letter requesting an ambitious copyright reform](#)

- [Citizen guidelines for the public consultations on copyright - You can fix copyright](#)

- [A response to the consultation on the evaluation and modernisation of the legal framework for the enforcement of intellectual property rights (IPR)](#)

- [EDRi's response to the public consultation](#) on the role of publishers in the copyright value chain and on the "panorama exception"

- A press release on the publication of the reform: [New copyright directive fails at every level](#)

- An article to report on our activities From Warsaw to London: [United to #fixcopyright](#)

- [EU Copyright Directive – privatised censorship and filtering of free speech](#)

- [The Copyright Reform – a guide for the perplexed](#)

- [Copyright reform: Document pool](#)

- [What do two copywrongs make? Definitely not a copyright](#)

PRIVATISED LAW ENFORCEMENT

Internet companies continue to be pressured by international and national authorities to monitor and censor the activity of internet users – be it in the name of child protection, the fight against terrorism, hate speech, "fake news" or alleged copyright infringements online.

Privatised law enforcement

EUROPEAN UNION

In 2016, we focused on the informal "EU Internet Forum" set up by the EU Commission to "counter terrorist content and hate speech online". It brought together exclusively US internet companies (such as Microsoft, Facebook, Twitter and Google), government officials and law enforcement agencies. While the intent to combat terrorism and hate speech is clearly legitimate, the non-transparent EU Internet Forum encouraged Internet companies to take "voluntary" actions which could result in non-accountable, arbitrary stifling of legitimate speech. Our complaint procedure with the Ombudsman took a new turn when the Commission explained that it could not make documents of the Forum public as this "would allow them [terrorist groups] to circumvent counter-terrorism measures".

Secondly, we advocated against voluntary arrangements to encourage online companies to arbitrarily censor "terrorist content" in the Anti-Terrorism Directive.

Finally, we launched a campaign to call for the deletion of an article in the proposed copyright directive that would undermine freedom of expression by requiring internet companies to install filtering technology to prevent the (re-)upload of allegedly infringing content.

EDRI'S MEMBERS

USA

The EFF launched a new campaign against so-called Shadow Regulation, to link together various instances in which private agreements are used to regulate the Internet, where the development of these agreements lacks inclusion, balance and accountability.

International

Access Now criticised the Europol Internet Referral Unit for their lack of democratic accountability in content removal. Together with EDRi, AccessNow also criticised the bilateral cooperation between the Commission and tech giants to create the infamous "code of conduct".

PUBLICATIONS

- [Our position on the EU Internet Forum](#)

- [Our contribution](#) to UN Special Rapporteur David Kaye's consultation on freedom of expression

- [A complaint against the EU Commission to the EU Ombudsman on the EU Internet Forum](#) - as a result, she opened an inquiry into Commission's refusal to disclose documents of the meetings

- [EU Internet Forum against terrorist content and hate speech online: Document pool](#)

- Press release: [Joint civil society statement on counter-terrorism and human rights](#)

- Press release: [European fundamental rights to be regulated by companies](#)

- Press release: [EU Commission under investigation for EU Internet Forum documents](#)

- Press release: [EDRi and Access Now withdraw from the EU Commission IT Forum discussions](#)

- [Social media as censors of public sphere: YouTube vs. Ombudsman](#)

- ["Follow the money" on copyright infringements](#)

- [EU Copyright Directive – privatised censorship and filtering of free speech](#)

- [FAQ: EU Code of Conduct on illegal hate speech](#)

- [A letter co-signed with EuroISPA and CDT](#) on the reform of the Audio Visual Media Services Directive

TRADE AGREEMENTS

We continued to defend the respect for human rights in trade agreements. We focused mainly on the Transatlantic Trade and Investment Partnership (TTIP) and the Trade in Services Agreement (TiSA). TiSA is currently being negotiated behind closed doors between twenty-three countries plus the European Union and includes proposals that could impact the internet.

Trade agreements

EUROPEAN UNION

The biggest success during the reporting period was that we could stop the conclusion of the Trade in Services Agreement (TiSA). While EDRi is not taking a position against trade deals per se, leaked documents showed that digital rights would be under threat if concluded. In our meetings we suggested constructive solutions (see our analysis).

Our work also contributed to preventing the European Commission from adopting a position that would have undermined EU data protection and privacy rights.

EDRI'S MEMBERS

Germany

Digitale Gesellschaft campaigned against TTIP and analysed the leaks published by Greenpeace from a digital rights perspective.

Digitalcourage organised a protest in Cologne against the weakening of fundamental rights through trade agreements "TTIP, CETA, TiSA & Co" in September 2016.

USA

Following a lengthy battle, the Trans-Pacific Partnership was finally defeated, and EFF is continuing to advocate for reforms to trade negotiation processes that would prevent a similar agreement rising from its ashes.

International

Access Now analysed the Greenpeace leaks for TISA as well as TTIP, and what it would mean for digital rights. They also worked on export controls, commenting and attending expert meetings in order to ensure it is effective without crippling tech.

PUBLICATIONS

- EU Parliament's resolution on the Trade in Services Agreement (TiSA): Document pool

- EDRi's position on TiSA

- Brussels Declaration on Trade and the Internet

- Press Release: Rights must not be abandoned in trade negotiations

- EDRi's response to the Trade in Services Agreement (TiSA) stakeholders survey conducted by Ecorys for the European Commission

- Press release: TTIP leaks confirm dangers for digital rights

- Press release: BEUC and EDRi urge the EU Commission not to undermine citizens' privacy in trade agreements

- Analysis of the TiSA leaks of September 2016

- Press Release: TiSA leaks set alarm bells ringing

- Press Release: New leaks confirm TiSA proposals that would undermine civil liberties

- Press release: CETA signature ignores Agreement's flaws

- A global letter (pdf) on TiSA, data protection and privacy

- A co-signed letter with over 450 groups to call for the rejection of CETA
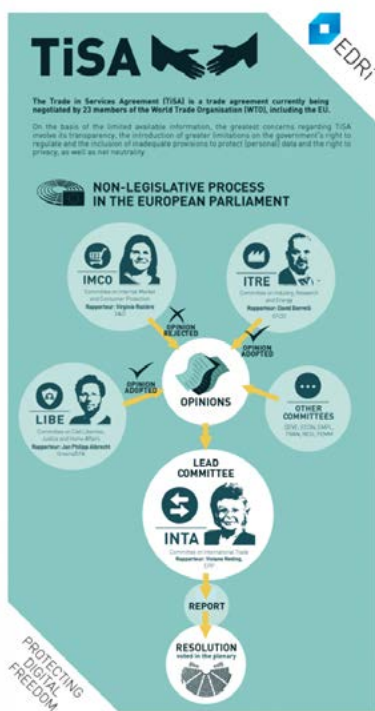
TRANSPARENCY

We continued to advocate for increased transparency of the EU institutions. While it is not part of our core work areas, transparency is key to being able to hold the private and the public sectors to account.

Transparency

In the past six months, we monitored the developments of a non-legislative report in the EU Parliament regarding the transparency, accountability and integrity in the EU institutions.

We welcomed the update of the rules of procedure of the European Parliament in December and continued to follow the push by the European Ombudsman, Emily O'Reilly, for a (badly needed) reform of trilogues including the systematic publication of sensitive documents and agendas as well as for an update of the transparency register.

INTERNET GOVERNANCE
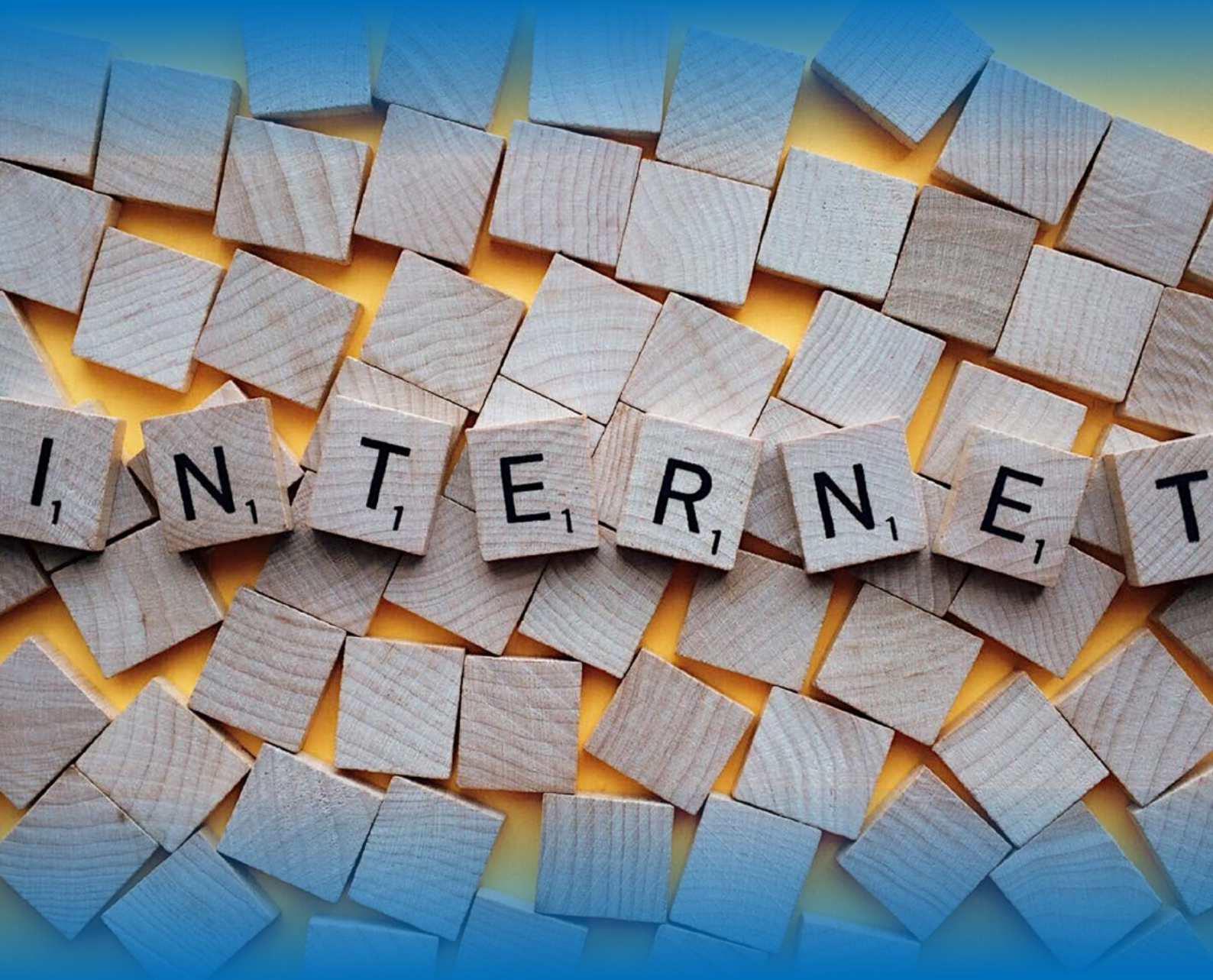
While Internet governance was not part of our key topics in 2016, we monitored the developments as much as possible and participated in international events in order to increase the visibility of European civil society in global discussions. In 2016, we attended amongst other events the Internet Governance Forum (IGF), meetings of the Organization for Security and Co-operation in Europe (OSCE) and the OECD Ministerial meeting.

OUR NETWORK

2016 has been a big year for the EDRi network. Europe's digital rights community is a fraction of the size of that of, for example, the United States and, more importantly, a fraction of the size it needs to be to deal with the upcoming challenges.

Our network

Due to a general lack of resources, many European advocacy groups still struggle to address the persistent and growing threats to the open internet – they often work on a volunteer basis, or have very few staff. Given the heavy onslaught in the area of internet regulation that is planned by the European institutions over coming months, it was crucial for EDRi in 2016 to start building the urgently needed capacity for the advocacy movement in Europe.

NETWORK WORKING GROUP

As a consequence, we launched a working group focussing on improving the network, chaired by Bits of Freedom. In a meeting in October, three main priorities were established in order to build a more sustainable and efficient community:

- Strengthen individual organisations
- Foster cooperation between organisations
- Expand the network

Following those priorities, a series of projects were identified and assigned to members of the working group. Among the projects are plans to:

- Create a platform for sharing organisational papers
- Organise training sessions for member organisations in 2017
- Set up a small grants program
- Coordinate a group of translators to translate the EDRi-gram and other key materials
- Launch and increased use of shared tools for campaigning
- Organise regional meetings
- Create an easily-searchable database showing who is working on what

COMMUNITY COORDINATOR

The EDRi community also decided to focus on supporting local groups on specific topics and helping advocacy groups across Europe professionalise, to amplify their voice and impact. To that end, the members, together with the Brussels office, decided to recruit a Community Coordinator to start in January 2017 in order to:

- Develop and implement an internal community-building strategy
- Map the activities by national advocates across Europe
- Analyse information produced by the network, of the channels and tools already in use
- Improve EDRi's internal communication & cooperation
- Build coalitions between and communicate with EDRi's members/observers
- Identify potential candidates for EDRi membership and observership
- Analyse the progress and implementation of a small grants programme

THE BRUSSELS OFFICE

The Brussels office

! ——————— EDRi **PROVIDES A PLATFORM** for our national member organisations, individual observers and activists via specific online working groups on the network's key topics.

We had a few changes and additions to our team in Brussels:

September 2016: A Mozilla Web Fellow joined the team to develop and implement a project to visualise threats to digital human rights, in order to inform discussions around upcoming legislative proposals.

September 2016: An intern joined the team to support the Managing Director as well as the Communications and Community Manager. Tasks: press monitoring, writing press releases, supporting the editing of the newsletter, supporting activities launched to enhance cooperation within the network.

December 2016: Our Office Manager left the organisation and was replaced.

December 2016: A professional fundraiser started working for us. Tasks: Contacting new foundation and corporate donation prospects, researching and identifying grant application opportunities, identifying potential major donors and establishing a list of potential ambassadors for the organisation.

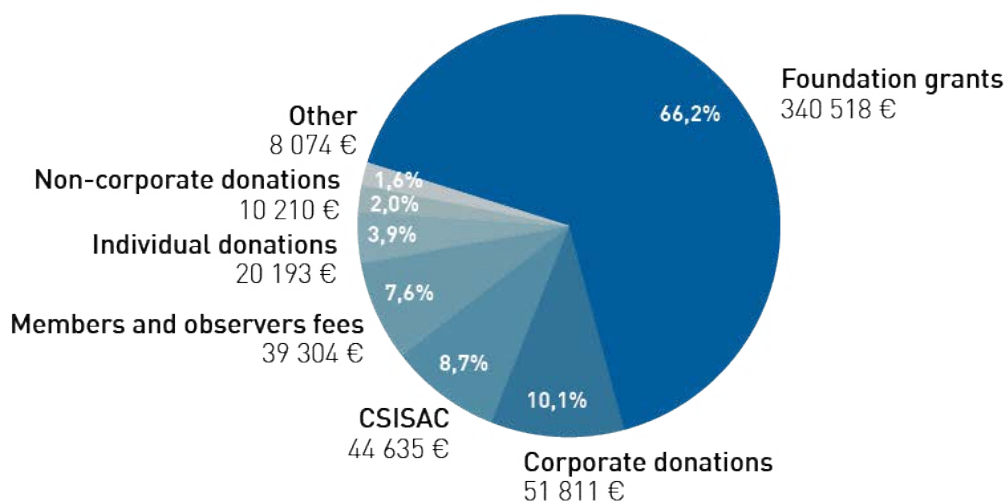**December 2016:** We launched the recruitment process for a Community Coordinator.

FINANCES

Finances

INCOME 2016

Audited financial accounts, total 514 745 €

- **Foundation grants** 340 518 € — 66,2%
- **Other** 8 074 € — 1,6%
- **Non-corporate donations** 10 210 € — 2,0%
- **Individual donations** 20 193 € — 3,9%
- **Members and observers fees** 39 304 € — 7,6%
- **CSISAC** 44 635 € — 8,7%
- **Corporate donations** 51 811 € — 10,1%

Members & observers: 39 304 €

Individual donations: 20 193 €

Non-corporate donations: 10 210 €

- Epic: 5 000 €
- Centr: 3 000 €
- ISS.SE: 1 200 €
- IT POL: 900 €
- Gesellschaft für Freiheit e.V.: 90 €
- SOIT: 20 €

Corporate donations: 51 811 €

- Google: 23 000 €
- Microsoft: 10 000 €
- Mozilla: 9 965 €
- Intel: 5 000 €
- Eco: 1 500 €
- Mailfence: 750 €
- Cyberghost, Gandi.net & other in kind: 1 596 €

Foundation grants: 340 518 €

- Open Society Foundation: 127 080 €
- Adessium: 90 167 €
- Stichting Democratie & Media: 50 000 €
- Ford Mozilla Open Web Fellow: 33 361 €
- Ford Foundation: 26 428 €
- Privacy Camp / Open Society Foundation: 7 554 €
- Mozilla Advocacy Fund: 5 928 €

CSISAC: 44 635 €

Other: 8 074 €

TOTAL: 514 745 €

Finances

EXPENDITURES 2016
Audited financial accounts, total 546 458 €

Network development and support for members
31 888 €

Mozilla Open Web Fellow
32 181 €

Communications
37 583 €

CSISAC
44 633 €

Fundraising
54 302 €

5,8%

5,9%

6,9%

8,2%

9,9%

43%

20,2%

Advocacy work
235 215 €

Organisational development and administration
110 656 €
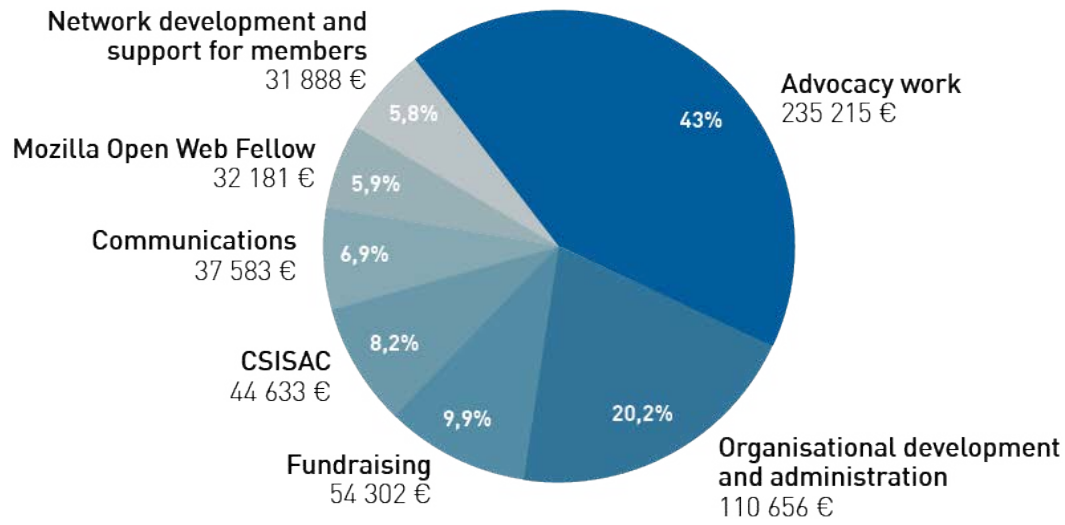
2016 in numbers

We drank 502 litres of **COFFEE**. — **502**

600 000 — EDRi's **WEBSITE** has exceeded 600k unique visits for the first time ever, which represents a 300% increase compared with 2014.

Our **TWITTER FOLLOWERS** increased by a third, reaching a total of over 12 000. — **12 000**

32 — We sent out 32 press releases.

We counted 357 **PRESS HITS**. (And who knows how many went uncounted.) — **357**

24 — We sent out 24 EDRi-gram **NEWSLETTERS**.

We send out 15 **CAMPAIGN MAILINGS** to our Supporters. — **15**

5 646 100 — We had 5 646 100 Twitter impressions.

We created and shared approximately 500 **SOCIAL MEDIA SHAREPICS**. — **500**

137 580 — Our **TOP ARTICLE VISITED** "Net neutrality wins in Europe" was read 137 580 times.

21,5% of our website visitors came from **LINUX** operating systems. — **21,5**

23 679 — Our booklet "Digital Defenders: Privacy for kids" was downloaded 23 679 times.

WTF of the year: Our article on banned websites from January 2009 got 84 700 views. — **84 700**

5,4 — 5.4% of traffic from search engines to our site searched for **"ILLEGAL PORN VIDEOS"**.

Our document on the key issues of the **GENERAL DATA PROTECTION REGULATION** was downloaded 7 695 times. — **7 695**

4897 — Our data protection booklet was downloaded 4 897 times.

37.2 % of traffic from external websites came to our website from **REDDIT**. — **37,2**

EDRi

EUROPEAN DIGITAL RIGHTS

SUPPORT OUR WORK REGULARLY AND
BECOME AN OFFICIAL EDRI SUPPORTER:
https://edri.org/supporters/

DONATE TO EDRI:
https://edri.org/donate/