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Subject:	Council conclusions on Internet Governance

Delegations will find in Annex the Council conclusions on Internet Governance as adopted by the Transport, Telecommunications and Energy Council on 27 November 2014.

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Council Conclusions on Internet Governance

THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMING:

    - The Communication from the Commission on "Internet Policy and Governance - Europe's role in shaping the future of Internet Governance";

    - The Statement of the Netmundial Multistakeholder meeting held in Sao Paulo (23 and 24 April 2014);

    - The statement by the National Telecommunications Information Administration (NTIA) on 14 March 2014, announcing its "Intent to Transition Key Internet Domain Name Functions" by September 2015;

2. TAKING INTO ACCOUNT the United Nations General Assembly (UNGA) resolution of 31 July 2014 on the "Modalities for the overall review by the General Assembly of the implementation of the outcomes of the World Summit on the Information Society";

3. RECALLING

    - the importance of strengthening the Internet Governance Forum (IGF), established by the Tunis Agenda (2005), as a multistakeholder platform;

    - the work underway to implement the recommendations of the Commission on Science and Technology for Development (CSTD) Working Group on IGF improvements, including the sustainability of its funding and ensuring that its outcomes are more visible and can be taken forward by the relevant fora dealing with Internet governance issues;

    - that the governance of Internet is expected to include all stakeholders in order to duly take into account the interests of all of them, including governments, the private sector, the technical community and the civil society;

    - that the reform process of ICANN and the transition of the stewardship of the IANA function while duly taking into account the interest of all stakeholders; should not undermine the robust operation of the Internet and leave it exposed in the future to capture by narrow commercial or government interests;

- that Netmundial identified a set of common principles and important values that contribute for an inclusive, multistakeholder, effective, legitimate, and evolving Internet governance framework and recognized that the Internet is a global resource which should be managed in the public interest;

4. OBSERVING

- that new regional and national governance structures might lead to a fragmentation of the Internet and a following loss of confidence that could slow down innovation and the growth of the European economy;
- that the European Union and its Member States maintain a legal framework to ensure the respect of fundamental rights and freedoms in the digital world;
- that the Internet can be a tool for promoting human rights globally;
- that the outcome of the programme of new gTLD by ICANN illustrate the need to continue to improve ICANN transparency, accountability and redress;
- that conflicts of jurisdiction on the Internet might have implications with respect to the "EU acquis", e.g. as regards data protection and geographical indications;

5. REAFFIRMING:

- the determination of the EU and its Member States to act as coherent and positive partners in the Internet governance evolution process, in line with the importance of the Internet for the European economy and society;
- a vision of Internet as a single, open, neutral, free, un-fragmented network, subject to the same laws that apply offline, where individuals can benefit from their rights, and from judicial remedies when those rights are infringed;

- its commitment to promote multistakeholder governance structures that are based on a coherent set of global Internet governance principles, consistent with human rights and fundamental freedom online, including freedom of expression, the right to privacy, including right to data protection, and the freedom of peaceful assembly and association;

- that an inclusive Internet governance refers to the development and applications by governments, the private sector, civil society, international organisations and the technical community, in their respective roles, of shared principles, norms, rules, decision-making procedures and programmes that shape the evolution and use of Internet;

- the necessity for timely and well prepared transferring of the stewardship of the IANA function to the multistakeholder community in a way that does not expose this function to capture by narrow commercial or government interests and strengthening ICANN accountability and providing for effective and affordable means of redress, with adequate guarantees of independence and noting that such development could be reflected in a revised Affirmation of Commitments;

- that the overall robustness and stability of the global Internet as well as the security and stability of the domain-name system should be maintained and strengthened;

- the need for the EU and its Member States to coordinate in order to deliver one set of coherent and consistent messages on the Internet Governance debate;

- the benefits of the EU, its Member States and other stakeholders working together and involving the relevant stakeholders in order to develop constructive proposals to submit to the ICANN community for a successful IANA stewardship transition and for enhancing ICANN's accountability;

6. INVITES MEMBER STATES AND THE COMMISSION TO:

- coordinate EU and Member States' positions by working closely together in relevant fora and organisations dealing with Internet governance issues and reflecting these positions in coherent and consistent messages while preserving their individual rights and prerogatives;

- continue close consultation and collaboration with all stakeholders and with partners world-wide, including developing countries;

- promote technological, policy and regulatory capacity-building related to the Internet through the support of development cooperation programmes, engage in the exchange of best practice and the promotion of multistakeholder processes;
- promote the importance of ICTs in the development of the post-2015 Sustainable Development Goals;
- be fully committed to the success of the "WSIS+10" process, building on the work of the IGF and the outcome of Netmundial in Sao Paulo;
- work with partners to maintain trust in the Internet;
- take necessary steps to preserve the open and neutral character of the Internet and support end users' right to access, disseminate and use Internet content or services of their choice;
- promote multi-stakeholder governance model that is based on clear principles and in this respect, endorse and promote Netmundial principles in relevant fora, including the IGF;
- study possible conflicts of laws and jurisdictions in relation to the Internet and, on that basis and if warranted, consider options for action in order to prevent these conflicts and to solve them should they occur;
- foster the multistakeholder model of Internet governance including for the core Internet discussions, decisions and bodies through:

  o supporting and strengthening the Internet Governance Forum including through the implementations of the recommendations of the CSTD Working Group on improvements to the IGF;
  o a renewal of the mandate of the IGF beyond 2015, to be decided by the UN General Assembly;
  o contributing to strengthen ICANN in all relevant technical aspects, as an inclusive and transparent organisation, accountable to the multistakeholder community, with:
    - proper checks and balances in place,

- effective and affordable means of appeal and redress, with adequate guarantees of independence;
- safeguards against capture by interested parties so that there is equal opportunity and access for all stakeholders in ICANN's policy development processes;
  - o cooperate alongside other stakeholders with entities in charge of Internet protocol and other information technology specifications whose decisions may have significant public policy implications;
  - o encouraging all stakeholders to strengthen existing Internet governance mechanisms to allow regular, early and truly inclusive upstream participation, review and comment in technical decisions;
- support adequate follow-up to the issues identified at the Netmundial in Sao Paulo as foreseen by the Netmundial Multistakeholder Statement;

7. INVITES THE COMMISSION TO:
- continue the development of its Global Internet Policy Observatory as a resource for the global community;

report on progress on the key elements outlined in its Communication of February 2014 in good time, taking into account the schedule of the preparatory process towards the UNGA "WSIS+10" event in December 2015.

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