

From: Jade Nester
To: [Fiona Alexander](#)
Cc: [Marsha MacBride](#)
Subject: Update on Non-Paper Discussion
Date: Thursday, January 12, 2012 5:29:00 PM

Apparently a member of Malstromm's (DG Home) Cabinet reached out to USEU Econ. They said a decision on whether to extend the proposal timeline is due tomorrow. They said it is unlikely the proposal will be postponed, although the Regulation could be postponed separately. DG Home has been asked to make changes to Directive part of the proposal in short time frame so that it's done by 1/25, but they don't think they can do it. They have concerns similar to those in our paper. Proposed provisions would conflict with US/EU LE agreements. DG Home is concerned that Barroso's Chief of Staff is friendly with Reding's staff. Amb. Kennard is meeting with Barroso's Chief of Staff tomorrow. Cam said that if USEU really wants the paper, we can do that. Cam said that if they do announce a delay tomorrow, he'd like to wait to hand over our non-paper until after the WP is out. If it's not delayed, we need to go ahead. USEU thinks the paper is extremely compelling.

LE colleagues asked if talking points could be explained, without handing over paper? Betty Shave said they thought of a few new concepts to add to the paper. Could we send an addendum afterwards? Some people want to revise the freedom of expression section. Although people want to make changes, we don't have much time, especially given the progress the Commission is making on reviewing a new version of the proposal.

Manu is going to work to ensure that everyone is happy with the draft tonight, so we can send it in advance of Amb. Kennard's meeting.

Jade Nester
National Telecommunications and Information Administration
U.S. Department of Commerce
1.202.482.2560