How EU Regulation Affects You

An Update on Recent Developments

Suzanne Taylor | 18 October 2018 | RIPE 77 Cooperation WG
Why Keep Up with the EU?

• To understand regulatory developments that affect us, our members and the community
• To explain our position in the broader Internet landscape to policymakers
• To provide technical information via consultative processes

• We work with an intelligence firm in Brussels
So what’s happening?
General Trends

- More regulation
- More obligation on service providers
- Protection of critical infrastructure
- Driven by concerns over:
  - Cybersecurity
  - Intermediary liability (Who’s responsible for online content?)
  - Cooperation among law enforcement
  - Data economy
Cybersecurity Act

- **European Commission released proposal in September**
  - Creates EU-wide certification framework for ICT products, services and processes
  - Gives ENISA mandate as permanent EU agency

- **Next steps:**
  - Currently in negotiations between the Commission, Parliament and Council
  - Austrian Presidency wants to come to an agreement by end of 2018
Cybersecurity Act

• **Main points of discussion:**
  - Mandatory vs voluntary approach for “essential service operators” and services considered “high risk”
  - ENISA’s role being debated: coordinator or enforcer?

• **Proposed for 2021:**
  - European Cybersecurity Industrial, Technology and Research Competence Centre
  - EU Network of Cybersecurity Centres
Cybersecurity: NIS Directive

• RIPE NCC as “essential service operator”?  
• ccTLD operators included, but generally have their own provisions in place already  
• Even if you’re not considered critical infrastructure yourself, you might have clients who are…
Intermediary Liability: Copyright

• Copyright Directive Reform under negotiation

• Includes provisions for upload filters for copyrighted material (highly criticised)

• Move toward delegating responsibility for online content to Internet industry

• Next steps:
  - Public consultation on fighting illegal content online in June; results in coming months
Intermediary Liability: Terrorism

• Proposal for Regulation on Preventing the Dissemination of Terrorist Content Online

• Focus is on hosting service providers

• Main elements:
  - One hour to respond to removal requests from judicial authorities
  - Introduction of data preservation obligations
  - Scope covers micro, small and medium-sized enterprises
  - High sanctions for systematic non-compliance (4% global turnover)
Cooperation Among Law Enforcement: E-evidence Proposal

• Makes it easier to gather evidence across borders throughout the EU

• Allows judicial authority in one Member State to obtain electronic evidence directly from a service provider in another Member State
Cooperation Among Law Enforcement: E-evidence Proposal

• Real-time interception debated but ruled out
• Notification system now being debated
• Next steps:
  - Public hearing in Parliament on 27 November
  - Priority for the Austrian Presidency to reach agreement among Members States in 2018
Data Economy: ePrivacy

• Parliament adopted its position in November 2017
• Member States still facing issues finding common position
• Restrictive approach regarding metadata and content data processing
• Current provisions negatively impact AI, IoT and big data
Data Economy

• AI ethical guidelines expected by the end of the year (working with Al Alliance)

• Commission will increase AI funding by €1.5 billion

• Proposal to update .eu TLD legal framework
Questions

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