

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?

- our members and the community
- to policymakers
- To provide technical information via consultative processes

We work with an intelligence firm in Brussels

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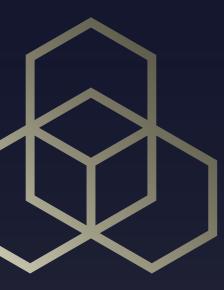




• To understand regulatory developments that affect us,

• To explain our position in the broader Internet landscape





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

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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:

- considered "high risk"
- ENISA's role being debated: coordinator or enforcer?

Proposed for 2021:

- EU Network of Cybersecurity Centres



- Mandatory vs voluntary approach for "essential service operators" and services

European Cybersecurity Industrial, Technology and Research Competence Centre

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...

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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



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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
- another Member State

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• Allows judicial authority in one Member State to obtain electronic evidence directly from a service provider in

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 -
 - 2018



Priority for the Austrian Presidency to reach agreement among Members States in

Data Economy: ePrivacy

- Parliament adopted its position in November 2017
- Member States still facing issues finding common position
- data processing

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Restrictive approach regarding metadata and content

Current provisions negatively impact AI, IoT and big data

Data Economy

- Al ethical guidelines expected by the end of the year (working with <u>Alliance</u>)
- Commission will increase Al funding by €1.5 billion
- Proposal to update .eu TLD legal framework

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Questions

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