RIPE NCC
RIPE NETWORK COORDINATION CENTRE

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 [AI Alliance]())**

- **Commission will increase AI funding by €1.5 billion**

- **Proposal to update .eu TLD legal framework**

Questions

staylor@ripe.net