

How EU Regulation Affects You

An Update on Recent Developments

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 Al, loT and big data

Data Economy



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



Questions



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