



**RIPE NCC**

RIPE NETWORK COORDINATION CENTRE

# What's Happening in the EU?

## Some Recent Regulatory Developments

Chris Buckridge | 17 May 2018 | RIPE Cooperation Working Group

# This isn't the GDPR presentation you're looking for...



But there are clear takeaways from the GDPR  
story...

# Keeping up with the Commission



- Since 2016, RIPE NCC working with an intelligence firm
  - Updates on regulatory developments that may affect RIPE NCC operations
  - Updates on developments that may affect RIPE community
  - Assistance with input to EU consultative processes (where appropriate and useful)

# NIS Directive Implementation



- Directive on Security of Network and Information Systems (NIS)
  - Adopted by EU Parliament in 2016
  - Deadline for national transposition by EU Member States is 9 May 2018
- Three parts:
  1. Improved cybersecurity capabilities at national level
  2. Increased EU-level cooperation
  3. Risk management and incident reporting obligations for essential service operators and digital service providers

# NIS Directive Implementation



*“... essential services and digital service providers”*

- Not strictly defined in the directive itself
  - May include ccTLD operators... *(that's some of you!)*
  - May include DNS root server operators... *(that's us!)*
- Current status:
  - RIPE NCC is communicating with Dutch authorities
  - Also communicating with Netnod, the other EU-based root server operator



# E-evidence



- Cross-border access to electronic evidence
  - And improving law enforcement access across EU Member States
- Legislative proposal from European Commission in April
- New mechanisms would include:
  - European Production Order
  - European Preservation Order

# E-evidence



- Clear potential change for RIPE NCC
  - The RIPE NCC is under Dutch jurisdiction
  - Currently, a Dutch court order is required to obtain non-public data from the RIPE NCC
  - Under the proposal, this order could come from any EU judicial authority

"Data held by providers of internet infrastructure services, such as domain name registrars and registries and privacy and proxy service providers, or **regional internet registries** for internet protocol addresses, may be of relevance for criminal proceedings as they can provide traces allowing for identification of an individual or entity involved in criminal activity."

\* Recital 18, European Commission legislative proposal for cross-border access to e-evidence [\[link\]](#)

- Currently in Parliamentary discussions

# Intermediary Liability



- Several topics converging:
  - Copyright Directive (measures to prevent illegal sharing)
  - Legal battles over responsibility to remove defamatory or otherwise problematic information
- European Commission released recommendations to tackle illegal content in March [\[link\]](#)
- Public consultation open now, closing 25 June
  - Improving effectiveness of fight against illegal content [\[link\]](#)



# Cybersecurity



- Cybersecurity Act proposal [\[link\]](#)
  - Released in September
  - Sets out the new, expanded mandate for ENISA as an official EU Agency
  - Would establish EU-wide ICT certification framework, which would be compulsory and replace any existing national regulations
- European Parliament vote in mid-June
  - Aim to come to agreement by close of 2018

# Some Observations



- Perfect storm for privacy and personal data issues
- Concerns about cybersecurity, illegal content, terrorism are fuelling discussions
- Both pushing trends toward greater regulation for Internet operators
- “Cross-border” nature of the Internet makes regulation difficult
  - Response seems to be ever-broader regulation, less concern for extra-territorial impact

# Questions?

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