

THE VOICE OF THE EUROPEAN INTERNET INDUSTRY

ANNUAL REPORT 2018





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FAREWELL WORDS FROM THE OUTGOING PRESIDENT



Over the course of 2018, EuroISPA has continued its work and engagement on policy areas and topics of key interest to its Members. Since its founding in 1997, the association's intention of representing the Internet industry in Brussels in order to ensure balanced and future-proof legislation still rings true today.

The focus of 2018 was distributed between the ongoing Copyright Directive and negotiations on the ePrivacy Regulation, as well as the European Commission's proposals on tackling terrorist content online and cross-border access to electronic evidence. Recognised as an important player within the Brussels debate on policy, EuroISPA has achieved concrete results for its members. Results can be noted in the successful campaign to exclude real-time interception from the scope of the e-evidence proposal, as well as in the reinforcement of the need for a balanced approach towards SMEs in intermediary liability legislation. Further capitalising on these successes, I am pleased that under my tenure as President, EuroISPA enshrined its longstanding cooperation with the Council of Europe through an official exchange of letters, reaffirming its key place in advocating for balanced regulation.

Moreover, during my mandate as President of the association, I have welcomed a number of new Members. EuroISPA's membership continues to grow, in both diversity and geographical representation. This year we were delighted to welcome Seznam.cz, Czech media and technological house to the association's Industry Forum. Moreover, the Moldovan Association of Information and Communications Technology Companies, ATIC, joined as EuroISPA's first ever Observer Member.

I have sincerely enjoyed the opportunity to serve as President of a dynamic, dedicated and successful association. Having followed in the steps of former President Malcolm Hutty in 2012, who passed on the baton with the association in fine fettle, it is tremendous to see the association flourishing. As my time as President comes to a close, I am grateful for this experience, and would like to express my congratulations to the newly elected board, wishing them well as they continue EuroISPA's endeavours. My colleague and long-standing Vice-President Maximilian Schubert will take on the role as President, alongside him the experienced Treasurer Innocenzo Genna, as well as Alexandra Laffitte and Alex de Joode, two new Members to the Board, equally as energetic and well-suited to the role.

I will continue to be engaged in EuroISPA's work as eco's representative, and look forward to continuing to contribute notably in matters of privacy, data protection, and on Artificial Intelligence developments.

I hope that you enjoy perusing the following pages documenting EuroISPA's work in 2018,

Oliver Süme

President of EuroISPA

WELCOME WORDS BY THE INCOMING PRESIDENT



I am incredibly humbled and grateful to serve as the new President of EuroISPA. I would like to express my sincere gratitude to my friends and colleagues in the Council of the association for their confidence in me. I would also like to thank Oliver Sűme, my predecessor, for the excellent work he has done during his mandate. Thanks to Oliver, our association continued to successfully advocate for the interests of European ISPs in Brussels and beyond, consolidating its leadership in digital policy debates.

During the past 20 years – since the inception of EuroISPA – our Industry grew and evolved in ways no one could have ever predicted. Developments in the fields of artificial intelligence, the Internet of Things and 5G networks are but a few examples of the new technologies which will transform our society in the next years. The past two decades have shown that many of the underlying challenges for the Internet industry are synonymous to those encountered whilst the sector was still in its fledgling stages. Yet, conversely, we see that the industry and its structures have changed significantly. Nevertheless, I see EuroISPA as the focal point of ISPs, encompassing all business models and sizes. What sets EuroISPA apart from other European associations is its strong cooperation with national Member associations and Industry Forum Members. A guiding tenet of our work is our dedication to developing solutions, which satisfy not only particular parts of the membership, but also strive to aim for a solution in the best interests of all components and members of the Internet ecosystem.

Having begun in the role of President of EuroISPA at the close of 2018, I am already grateful for the support, trust and cooperation of the association's Members at both the national and European level. This includes my delight with the immense support by EuroISPA Secretariat in Brussels. On behalf of the newly elected Board, I would like to thank Oliver Sűme for his excellent leadership of EuroISPA, whose legacy will undoubtedly be long-lasting. I look forward to what is to come and strongly believe that the diversity of the Board Members - with various expertise from a range of domestic legal cultures – will bring fresh energy to the association.

I look forward to my tenure as President, continuing in the vein of EuroISPA's successes over the past year,

Maximilian Schubert

Vice-President of EuroISPA

MEET THE NEW BOARD

A Board composed of four people is a first for EuroISPA, and we strongly believe that such a setting will, thanks to varied points of view and background experiences, allow us to approach EuroISPA's efforts with even greater dedication and breadth, opening new perspectives for the association. The diversity of the Board Members will also bring a renewed energy into the Board. Furthermore, an extended Board will help EuroISPA benefit from different national legal cultures and experiences, which do have a significant impact on the European legislative process.



In light of the recent initiatives by the European Commission and the many declarations made by national Governments, EuroISPA is destined to stay abreast of developments and remain active on every front. This goes from protecting the cornerstones of the Internet ecosystem such as intermediary liability, an open market and free cross-border services, to the highly debated topics such as a balanced protection of intellectual property in full respect of fundamental rights, due process and rule of law. Furthermore, data protection and cybersecurity are also at the heart of EuroISPA's activity. It is clear that the European regulatory framework is changing quickly: EuroISPA can harness this momentum to become even more involved in the European scene.



Alex De Joode

MEET THE NEW BOARD MEMBERS:

Dr Maximilian Schubert, President: After working for ISPA - the Austrian Association of Internet Service Providers - as a legal expert, Maximilian Schubert became General Secretary of ISPA in 2012. He earned his doctoral degree in the field of Intellectual Property Law at the Karl-Franzens University of Graz after obtaining an LL.M. degree in "Innovation, Technology and the Law" at the University of Edinburgh. He has published articles on numerous IP and IT-related topics in Austrian as well as in international journals. His main fields of expertise cover telecommunications regulation law, ISP liability law, telecommunications surveillance and enforcement matters in the online sphere.

Innocenzo Genna, Vice-President: Innocenzo Genna is a legal and policy expert for the European telecoms and Internet sector. He publishes articles in newspapers and on his professional blog RadioBruxellesLibera. He is also Board Member of the European Internet Forum. Previously, he was the chairman of ECTA, served as General Counsel for Tiscali S.p.A and was a partner at law firm Ughi e Nunziante. Innocenzo graduated in law (magna cum laude) at the University of Macerata in 1991 and subsequently obtained an L.L.M. from both the College of Europe (Bruges) and the University of Trier. He has also been awarded a Diplôme in Comparative Law from the International Faculty of Comparative Law of Strasbourg. Innocenzo is also a minimalist pianist and composer.

Alexandra Laffitte, Vice-President: Former fellow of the German Parliament, Alexandra also chairs the Market and Services Committee. She is in charge of both European Affairs, and of online content regulation and uses at the French Telecoms Federation (Fédération Française des Télécoms) since March 2018, and is also a member of the French commission tasked to determine copyright levies. Previously, she was in charge of regulatory affairs and comparative Law at the French MVNO Transatel. Alexandra is an alumna of the Master's program in Telecommunications and Space Law of the University Paris-Saclay, as well as of the Franco-German dual Law program of La Sorbonne and the University of Cologne.

Alex De Joode, Treasurer: Alex was a Senior Regulatory Counsel responsible for handling internet- and copyright-abuse, MLATs and other police requests, also responsible for Government contacts for a large EU-headquartered global Internet Infrastructure Company. Currently, Alex is a Public Affairs Manager for the Dutch National Trade Association "Nederland ICT", where he specialises in (international) regulatory issues, including focus on e-evidence, notice and takedown procedures, copyright and levies and encryption.

ABOUT EuroISPA

EuroISPA AT A GLANCE

EuroISPA is the world's largest association of Internet service providers, representing the interests of more than 2500 companies from across the European Union. EuroISPA is the voice of the complete Internet value chain, from access providers, to domain name registries, to over-the-top services and everything in between.

EuroISPA engages at EU-level on the full spectrum of information society policy issues, such as intermediary liability, cybersecurity, e-commerce, data protection and privacy. EuroISPA is also active in various international Internet governance fora, ensuring Europe's voice is at the forefront of discussions on the next generation global Internet.

Through its secretariat in Brussels and network of national ISP associations, EuroISPA advocates at the EU and international level for an innovation-friendly competitive regulatory environment that can allow the Internet infrastructure to drive Europe's digitised economy forward.

WHO WE REPRESENT

INTERNET ACCESS PROVIDERS



INTERNET EXCHANGES



TELECOM OPERATORS



DOMAIN NAME REGISTRIES



ILLEGAL CONTENT HOTLINES



HOSTING PROVIDERS



WHAT WE DO



INFORMATION EXCHANGE



LEGISLATIVE MONITORING



ADVOCACY



INDUSTRY PROMOTION



HOW WE WORK

EUROISPA COUNCIL

The EuroISPA Council comprises national associations of Internet service providers from across the EU Member States.

EuroISPA is governed by and for its members, through its Council. Each member association appoints a representative to the EuroISPA Council. This body meets regularly each quarter in order to formally discuss policy, matters of importance to the EU Internet industry and the administration of the association.

EuroISPA's policy and advocacy work is steered by its eight Council sub-committees, which drive the association's work across the full swathe of information society dossiers, from data protection to cybersecurity. Each sub-committee is chaired or co-chaired by a EuroISPA Council member (see page 10).

Every two years, the Council appoints a group of Officers – a President, Vice-Presidents and a Treasurer – who are tasked with fulfilling important duties for the continued functioning of the association.

The EuroISPA Secretariat in Brussels manages the day-to-day activity of the association.



INDUSTRY HOTLINES

Several national Member associations in EuroISPA also count industry-run hotlines or content signalling platforms amongst their membership, who play an essential role in tackling illegal content online, including Child Sexual Abuse Material.



EUROISPA INDUSTRY FORUM

The EuroISPA Industry Forum allows individual companies with a legitimate interest in the Internet industry to participate and provide technical support in EuroISPA's activities and work groups.

The Industry Forum meets regularly in order to discuss policy issues and matters of importance to the EU Internet industry. The Industry Forum acts in a purely advisory capacity to the Council.

EUROISPA OBSERVERS

EuroISPA also welcomes Observers to its membership. While these associations do not vote on EuroISPA's decisions, they participate regularly to the General Meetings, provide precious input to policy discussions, and have access to all the information the Council and Forum receive.



A REFLECTION ON 2018'S WORK, AND AN OUTLOOK ON 2019

NICOLAS D'ARCY, (POINT DE CONTACT)

Chair of Safer Internet Committee:



"2018 marked another year of good cooperation between Members in raising awareness on tackling CSAM, as well as using many speaking opportunities to underscore the place of industry hotlines in the Internet ecosystem. As this debate continues, next year we look forward to even closer cooperation, also in collaboration with INHOPE at both the European and national level."

ALEXANDRA LAFFITTE (FFTÉLÉCOMS),

Chair of Market and Services Committee:



"This year, we witnessed several important developments, the most notable being the agreement reached on the European Electronic Communications Code. In 2019, a review of consumer protection legislation is expected to be undertaken by the European Commission, which will be central to the Committee's work."



MALCOLM HUTTY (LINX),

Chair of Intermediary Liability and International Affairs Committees:

"The main dossier for the Intermediary Liability Committee in 2018 has been the proposal on Preventing The Dissemination of Terrorist Content Online. We warned of the consequences of demanding algorithmic detection of terrorist content and introducing an undefined and unbounded duty of care, while calling for a robust mechanism to verify the authenticity of law enforcement requests. Looking ahead, the new European legislature will continue to work on sectoral or horizontal revisions of the intermediary liability regime, where EuroISPA is ready to represent European ISPs to ensure that policy-makers take industry's views into account."



INNOCENZO GENNA (AIIP),

Chair of Innovation and Growth Committee:

"The Copyright Directive reform has been the crux of this Committee's work. EuroISPA, alongside other industry and civil society representatives, advocated against automated upload filters, and against what is known as the "link tax", an ancillary copyright on snippets. The next European legislature will pursue its work on topics relevant to the Committee, such as geo-blocking."



OLIVER SÙME (ECO),

Chair of Data Protection Committee:

"The landmark in 2018 was the entry into application of the GDPR, signaling a new era for European data protection legislation. In 2019 we will continue to closely follow GDPR implementation, continuing engagement in the ePrivacy debate, and dive deeper into new avenues as technologies such as Artificial Intelligence develop and multiply in their applications."



ALEX DE JOODE (ICT NEDERLAND),

Vice-Chair, Cybercrime and Cybersecurity Committee:

"This past year, the Cybersecurity Committee has predominantly focused its efforts on the e-evidence proposal, with sustained and effective outreach to key national and European stakeholders, with constructive results. As negotiations continue into 2019, we will continue with our engagement in order to ensure a balanced approach on the file for all players along the Internet value chain."

EuroISPA ACTIONS IN 2018

FEBRUARY

02

- EuroISPA Statement on Safer Internet Day
- Board Meeting

MARCH

03

- EuroISPA Statement on Recommendation to Tackle Illegal Content Online

APRIL

04

- General Meeting Hamburg
- Participation to DG Home Roundtable on the role of encryption in criminal investigations
- EuroISPA Statement on proposal for Cross-Border Access to Electronic Evidence
- EuroISPA Speaker at the Swiss Parliament on tackling CSAM
- EU Internet Forum Roundtable on E-Evidence
- EuroISPA Statement on European Commission's AI Strategy
- Co-Signing of Letter on Copyright

JUNE

06

- Support to #SaveYourInternet Day social media campaign
- General Meeting Vienna

SEPTEMBER

09

- Board Meeting
- Outreach with European Officials on real-time interception discussion and e-evidence
- Statement on proposal on Preventing the Dissemination of Terrorist Content Online
- Statement on European Parliament Plenary vote on Copyright Reform
- CEPS JUD-IT Task Force on Cross-Border Access to E-Evidence
- General Meeting Chişinău
- EuroISPA Lunch Debate on E-Evidence in the European Parliament hosted by Daniel Dalton MEP
- EU Internet Forum Roundtable on E-Evidence

DECEMBER

12

- General Meeting Brussels
- Election of the new Board
- CEPS JUD-IT Task Force on Cross-Border Access to E-Evidence

MAY

05

- Seznam.cz joins as Industry Forum Member
- ATIC joins as first Observer Member
- Partnership with the Council of Europe officialised through exchange of letters
- Participation in Council of Europe Session on Content Moderation in the context of the Recommendation on "The Role and Responsibilities of Internet Intermediaries"
- Leading joint industry letter on ePrivacy negotiations
- Launch of EuroISPA Trusted Flaggers Survey

JULY

07

- Speaker at Fair Trials Practitioners' Workshop on Cross-Border Evidence Gathering
- Adoption of Position Paper on E-Evidence
- Speaker at Council of Europe Octopus Conference on Cybercrime

OCTOBER

10

- Adoption of Position Paper on Preventing the Dissemination of Terrorist Content Online

NOVEMBER

11

- Speaker at the Council of Europe Thematic Session on Terrorism and the Internet
- Leading on an industry letter on Copyright
- Co-signing industry letter on ePrivacy negotiations
- Board Meeting
- Speaker at the European Parliament LIBE Hearing on Cross-Border Access to E-Evidence

POLICY ACTION

COPYRIGHT DIRECTIVE REFORM

In 2018, the European Commission, the European Parliament, and the Council held intense negotiations on the reform of the EU's copyright regime. EuroISPA, a wide range of digital trade associations and NGOs strongly criticised the text, as it would oblige ISPs to install unaffordable and troublesome upload filters to assess the legality of copyright-protected content, and introduce a sweeping new copyright protection for press publishers.

As the main Institutions engaged in negotiations, EuroISPA has been actively engaged in representing the views of European ISPs vis-à-vis policy-makers. The association met with numerous political figures and policy advisers in the European Parliament and the Council to advocate for a more proportionate and flexible approach. In particular, EuroISPA's messages focused on Articles 11 and 13 of the proposal. The former introduces a new press publishers' right, which could limit the ability of users to share snippets. The latter imposes primary liability on ISPs and forces them to install upload filters to scan user-generated content in search of copyright-infringing content. We have argued that this is not in line with the E-Commerce Directive, and that in no way the proposal should impose primary liability on ISPs. EuroISPA also sent numerous open letters alongside other associations.

EPRIVACY REGULATION

Following EuroISPA's engagement in 2017 with the European Institutions and stakeholders on the ePrivacy Regulation, the association continued to lead industry positioning on the legislative proposal throughout 2018. The ePrivacy Regulation aims to complement and particularise the provisions of the General Data Protection Regulation (GDPR) for electronic communications.

As negotiations continue between EU Member States in the context of the Council, the debate has become increasingly politicised, underlining the importance of EuroISPA's sustained activity surrounding this policy file. EuroISPA continues to work towards a balanced and workable outcome, which is innovation-friendly. The association has been continuing its work with a strong focus on the Council, seeking to convince Member State representatives of the importance of a principle-based approach to privacy in electronic communications

that maintains consistency with the GDPR. Exemplifying EuroISPA's dedicated workstream on this important dossier, the association led an industry-wide initiative in sharing a letter with the Council, signed by 57 European and national associations, reiterating calls for Member States to remain cautious in their examination of the draft ePrivacy Regulation. EuroISPA will continue its targeted engagement in 2019.

TACKLING THE DISSEMINATION OF TERRORIST CONTENT ONLINE

In September 2018, the European Commission published its proposal to prevent the dissemination of terrorist content online. While its objectives are laudable, the proposal was heavily criticised by EuroISPA along with like-minded tech associations and digital rights NGOs. The proposal obliges ISPs to take down terrorist content online following removal orders within one hour, and imposes the implementation of proactive measures.

EuroISPA engaged intensively with key stakeholders in the Parliament, the European Commission, and the Council, putting forward the position of European ISPs. The association was one of the first to prepare a position paper on the matter, and held a number of meetings with key policy advisors engaged on the topic. EuroISPA was also invited to the stakeholder roundtable organised by the Austrian Presidency together with the upcoming Romanian Presidency of the Council. This was an excellent opportunity to highlight the most problematic aspects of the proposal. The EuroISPA position was also presented at the Council of Europe's Thematic Session on Terrorism and the Internet, where key concerns on due process and the need for a balanced approach were highlighted.

As the text would impose upload filters and notice-and-takedown mechanisms on ISPs, our advocacy focused on ensuring the consistency of the proposal with the E-Commerce Directive and existing intermediary liability rules. Furthermore, EuroISPA stressed the importance of making the proposal workable for micro, small, and medium-sized enterprises, and of ensuring that the text does not create data retention obligations.

CROSS-BORDER ACCESS TO ELECTRONIC EVIDENCE

Following two years of consultations and intensive stakeholder engagement, in which EuroISPA was also invited to provide insights to the European Commission on the occasion of numerous working groups in stakeholder consultations, and under the label of the EU Internet Forum, the proposal for cross-border access to electronic evidence was released in

April 2018. The Commission's proposals set out a framework for a judicial authority in one Member State to be able to request electronic evidence directly from a service provider established or represented in another Member State.

The proposals can be considered revolutionary with respect to the current mechanisms of mutual legal assistance for cross-border data requests, which also entail a significant burden to be placed upon service providers. Supported by its longstanding engagement in the consultation process, EuroISPA has been very actively engaged with EU stakeholders on this file, including outreach to the European Commission and MEPs alike. Moreover, EuroISPA met with Member State representatives to discuss this dossier, notably with the Council Presidency, throughout this period.

Our strong stance and targeted message on a balanced and workable e-evidence mechanism have enabled EuroISPA to be a key voice in the debate in Brussels. EuroISPA has been invited to share its insights with respective, prominent institutions and to speak in various fora. Our calls for more robust and integrated safeguards, as well as calls to exclude real-time interception from the Regulation's scope, were well-received. Following our outreach, we achieved positive results on the standardisation of request certificates; the exclusion of micro, small and medium enterprises from the Regulation in the Council General Approach, as well as the mention of cost reimbursement; and on the secure transmission of data requests and transfers. Additionally, our messages proved effective and were well-received in engaging at Council level, where in a letter penned by 8 Member States, EuroISPA was the only industry association mentioned, echoing the continuing issues held by companies on several aspects of the Council position.

As discussions continue into 2019, EuroISPA will continue with its dedicated engagement on the cross-border access to e-evidence dossier, working towards a solution ensuring legal certainty and practicability for all players in the Internet ecosystem.

PUBLIC OUTREACH

COUNCIL OF EUROPE: THEMATIC SESSION ON TERRORISM AND THE INTERNET

In November 2018, EuroISPA Vice-President Dr. Maximilian Schubert was invited by the Council of Europe to participate in a thematic session on countering terrorist content online in Strasbourg. During his presentation, the Vice-President showcased problematic aspects of the proposal in terms of due process and fundamental rights, and described the practical difficulties European SMEs would face.



The event was an excellent opportunity to reinforce EuroISPA's leadership on the topic of online intermediary liability beyond Brussels. Furthermore, Dr. Schubert was able to strengthen EuroISPA's network with other NGOs, third countries, and companies. This event also contributed to reinforcing EuroISPA's strong ties with the Council of Europe, an organisation with which the association has been actively collaborating for a very long time.

PUBLIC OUTREACH

COUNCIL OF EUROPE: OCTOPUS CONFERENCE ON CYBERCRIME

In July 2018, the Council of Europe held the Octopus Conference, which formed one part of the consultation process on the Second Additional Protocol to the Budapest Convention on Cybercrime. The consultation's aim was to engage with stakeholders of civil society, data protection experts and industry and to share views on issues surrounding cross-border cooperation for access to data in criminal investigations. The main areas of discussion touched upon more efficient mutual legal assistance, provisions of cross-border direct cooperation between service providers and judicial authorities, as well as work towards a strong framework of safeguards and data protection.

EuroISPA, capitalising on its strong engagement on the e-evidence file, contributed by means of a written statement outlining the association's concerns and suggested solutions, as well as attending the conference to hold a presentation

on the issues faced by service providers. Vice-President and Chair of the Cybersecurity Committee Dr. Maximilian Schubert represented EuroISPA in Strasbourg. He underscored the key issues of legal uncertainty for large and small players alike, along with the challenge of significant administrative, legal and financial burdens, which the European Commission's proposal would place on SMEs. Moreover, Dr. Schubert emphasised Europe's role in achieving a balanced approach with a high level of safeguards for due process and fundamental rights, key tenets of the Council of Europe's work in facilitating cross-border exchange of e-evidence.

CIVIL LIBERTIES COMMITTEE HEARING ON CROSS-BORDER ACCESS TO ELECTRONIC EVIDENCE AT THE EUROPEAN PARLIAMENT

Reflecting the association's targeted engagement on the e-evidence dossier, as well as its important voice in the EU policy debate on this file, EuroISPA was invited to speak at the European Parliament's Civil Liberties Committee Hearing on cross-border access to e-evidence. Dr. Maximilian Schubert, Cybersecurity Committee Chair and Vice-President, represented EuroISPA, holding a presentation highlighting EuroISPA's main concerns and suggested solutions for the European Commission's proposal.



The hearing featured speakers, including Members of the European Parliament, practitioners, data protection experts as well as representatives from industry. EuroISPA's participation in this European Parliament hearing offered an excellent opportunity to shed light on key areas of the proposal affecting EuroISPA's Members, and to provide insights to European policy-makers on the practical implications of the proposed cross-border data exchange mechanism. The strong contribution to the hearing in putting forward the Internet industry's concerns was supported by excellent cooperation amongst fellow panellists hailing from industry. Thanks to joint preparation, this collaboration served to reach the best result for presenting industry views during the event, where EuroISPA reiterated its calls for a more balanced proposal, underscoring the importance of sufficient legal assurances for service providers and their customers alike.

CENTRE FOR EUROPEAN POLICY STUDIES: JUD-IT TASK FORCE ON CROSS-BORDER ACCESS TO ELECTRONIC EVIDENCE

The Centre for European Policy Studies (CEPS), a well-respected Think Tank based in Brussels, established the JUD-IT Task Force in the Autumn of 2018, supported by the European Commission. This Task Force brings together practitioners, European officials, civil society and industry to discuss the legal, practical and human rights implications of the European Commission's proposal on cross-border access to e-evidence. EuroISPA was invited to be a member of the Task Force, to share its insights on key issues for SMEs and all players along the Internet value chain alike. Here, represented by Alex de Jooode of ICT Nederland, EuroISPA used this platform to underline the significant burden which would be placed on smaller companies, the legal uncertainty engendered by a lack of double criminality requirements, as well as calling for higher safeguards and due process to be integrated into the proposed mechanism.

The CEPS Task Force's work will culminate in a report to be published in 2019, amalgamating the key areas of discussion and the policy suggestions voiced by the various stakeholders as possible solutions towards a workable and efficient European mechanism.

TACKLING CHILD SEXUAL ABUSE MATERIAL: SWISS PARLIAMENT AND THE COUNCIL OF EUROPE

EuroISPA, represented by Vice-President Dr. Maximilian Schubert, was invited to speak at the Swiss Parliament in Berne, holding a presentation in front of the Transport and Telecoms Commission of the Swiss Parliament on INHOPE, the

association of Child Sexual Abuse Material (CSAM) hotlines. The presentation was very well-received by attendees, who expressed their appreciation for a practical insight into industry hotlines, which includes their role in tackling CSAM and their functioning. This speaking opportunity reflected the value of cooperation between national Member associations, with strong support, expertise and knowledge being shared between associations in the drawing up of the presentation, as well as benefitting from the linguistic diversity of EuroISPA, given the bilingual requirements of the Swiss Parliament.

Following the success at the Swiss Parliament, EuroISPA was invited to the Council of Europe's Octopus Conference, where Dr. Maximilian Schubert spoke during a workshop on "Cyberviolence: Challenges and Responses". Here, the EuroISPA Vice-President underscored the valuable work of industry hotlines, highlighting our involvement in INHOPE, as well as a children's book penned by ISPA Austria on the safe use of the Internet, widely disseminated with the help of UNODC. Moreover, the importance of priority flagging partnerships was also raised. Both speaking opportunities portray the fruitful contributions of the member hotlines of EuroISPA and their interaction with the membership.

EUROPEAN COMMISSION'S SUB- COMMITTEE ON ENCRYPTION

Throughout 2018, EuroISPA was an active member of the European Commission DG HOME (Home Affairs and Migration) sub-committee on encryption. This working group was created in the context of the structured dialogue with stakeholders, and comprises trade associations, companies, and NGOs. Through this platform, the Commission aims to have an open dialogue with the industry and civil society, in order to gather their input on encryption policy. In the context of the structured dialogue, EuroISPA was also able to have bilateral meetings with high-ranking civil servants in DG HOME to present its position.

EuroISPA used its participation in this expert group to convey the important message that encryption technologies are essential elements of ISPs' security and privacy enhancing mechanisms for users. EuroISPA advocated against any weakening of encryption through mandatory backdoors or key escrows, arguing that such measures would ultimately lead to a diminished level of privacy and reduced security for users. The engagement of EuroISPA in this forum helped in establishing the association as a thought-leader on the issue.

EVENTS

E-EVIDENCE LUNCH DEBATE AT THE EUROPEAN PARLIAMENT

As part of EuroISPA's engagement on the European Commission's proposal on cross-border access to electronic evidence, on 27th September 2018, EuroISPA organised a lunch debate, hosted by MEP Dalton. This lunch debate brought together various representatives from the European Institutions, civil society and industry.

Speakers featured Dr. Judith Hesther, representing the Austrian Presidency, Cathrin Bauer-Bulst, Deputy Head of the Cybercrime Unit in DG HOME, European Commission, as well as EuroISPA's Vice-President and Cybersecurity Committee Chair Dr. Maximilian Schubert. During the debate, representatives from the EU Institutions, and EuroISPA, presented their views on the file and engaged in discussion with attendees. Deputy Head of the Cybercrime Unit in DG HOME, Cathrin Bauer-Bulst, stated "We need to equip law enforcement authorities with 21st century methods to tackle crime, just as criminals use 21st century methods to commit crime." Dr. Judith Hesther, of the Austrian Presidency, highlighted that "In the digital age, a legal basis for direct cooperation with service providers is essential for the protection of the area of freedom, security and justice."

Vice-President of EuroISPA, Dr. Maximilian Schubert, underscored ISPs' understanding of judicial authorities' need for efficient data exchange. However, he reiterated that any new system requires a sound legal basis, taking into account existing fundamental rights safeguards. "An SME exemption with more flexibility in timeframes for executing orders received by the ISP is essential. Authentication, integrity and security are paramount. This is vital to maintaining consumer trust, thereby enabling Europeans to optimally profit from ongoing digitalisation".

The discussion was thought-provoking and constructive in the debate surrounding the e-evidence dossier. This lunch debate was a well-suited occasion to highlight EuroISPA's key messages to stakeholders also actively engaged on this crucial topic. The association could bring to the fore the importance of a mechanism that works for all parties of the Internet ecosystem.





COLLABORATIONS

COUNCIL OF EUROPE: PARTNERSHIP THROUGH EXCHANGE OF LETTERS

In May 2018, EuroISPA and the Council of Europe stepped up their cooperation by means of an exchange of letters formalising an already fruitful cooperation. The broad and ambitious aim of this reinforced collaboration is to promote respect for democracy, human rights, and the rule of law on the Internet.

EuroISPA has had long-standing cooperation with the Council of Europe, especially in advocating for a balanced approach in dealing with illegal content online, in accordance with its Recommendation on the “roles and responsibilities of Internet intermediaries.”

As Oliver Sùme, President of EuroISPA, stated: “EuroISPA is concerned by the increasing trend of the privatisation of law enforcement. Our Members are being overburdened by increased responsibility and liability for policing content online and assessing its legality, without sufficient judicial oversight. In this context, the balanced approach promoted by the Council of Europe is a strong counterweight against invasive policy frameworks which are being developed both at the EU and at the national level”.

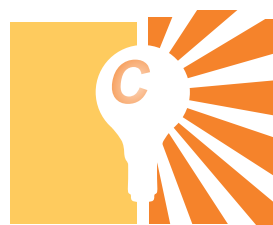
By reinforcing its cooperation with the Council of Europe, EuroISPA extended its activity beyond the EU. Such international fora are extremely beneficial for the association’s reputation and improve its advocacy efforts in Brussels and beyond.



COPYRIGHT4CREACTIVITY - C4C

The Copyright4Creativity (C4C) coalition brings together industry, civil society, consumer groups and creators, who share the vision of a modernised copyright regime in Europe. EuroISPA has played a leading role in the coalition’s work since its founding in 2012, particularly on issues concerning piracy and copyright enforcement.

In 2018, EuroISPA continued its substantive engagement in the coalition’s work on the proposed EU Copyright Reform Directive, and led efforts to support and take forward the coalition’s advocacy engagement with EU policymakers. EuroISPA continues to provide expert insight on the intermediary liability-related aspects of the proposal, and is helping build capacity amongst the civil society and academic elements of the coalition membership.



COPYRIGHT for CREATIVITY
A Declaration for Europe



EUROPEAN INTERNET FORUM (EIF)

The European Internet Forum regroups politicians (Members of the European Parliament), companies and European industry associations. The EIF is a platform in the European Parliament to discuss top-priority digital files between those engaged on key files, notably MEPs, as well as providing suggestions for political direction of digital legislation, fostering greater understanding of the impact of technological development. EuroISPA is a Member of the EIF, also with a seat on the Board of Management, where Treasurer Innocenzo Genna represents the association. The EIF continues to be an important platform for EuroISPA, offering the opportunity to exchange with stakeholders, gain insight into central digital files, as well as to voice the European Internet industry's concerns and policy suggestions.



INTERNATIONAL ASSOCIATION OF INTERNET HOTLINES (INHOPE)

EuroISPA has longstanding cooperation with INHOPE, with this collaboration enshrined in a Memorandum of Understanding between the two organisations. This cooperation remains a central feature of the association's work on hotlines, notably in tackling Child Sexual Abuse Material. EuroISPA's membership includes several industry-run hotlines, further reinforcing the significance of this partnership. In the endeavour to foster greater ties and raise awareness of hotlines, Executive Director of INHOPE, Denton Howard, came to EuroISPA's General Meeting in November and gave an insight to Members on INHOPE's work and views on the future. EuroISPA looks forward to working further with INHOPE in future collaboration.



EU INTELLECTUAL PROPERTY OFFICE (EUIPO)

The EU Intellectual Property Office is dedicated to managing the European trade mark and intellectual property policy. EuroISPA is a Member of the EUIPO Observatory, making the most of this opportunity to affirm its message on key issues with regard to practices of intellectual property.



INTERNET INFRASTRUCTURE COALITION - I2C

In 2018, EuroISPA entered into collaboration with the Internet Infrastructure Coalition (i2Coalition), the trade association representing the Internet Infrastructure in the United States. Our collaboration focused on an exchange of information on a monthly basis. This has been extremely beneficial on both sides, as it has allowed EuroISPA Members to be informed about relevant policy developments from across the pond.

GENERAL MEETINGS

Four times a year, EuroISPA members from around Europe convene to discuss the latest developments in EU and national-level ICT law and regulation.

General Meetings serve as the association's central strategy meeting; a time in which we can set out the direction of EuroISPA's policy action and action. These meetings further provide the opportunity for a number of in-depth discussions on both political and technical issues which require a more dedicated and specific approach to assess the next steps

4 - 5 APRIL: HAMBURG, GERMANY

Guest Speaker:

Mr. Arnd Haller, Legal Director at Google, who discussed the German intermediary liability regime

14 - 15 JUNE: VIENNA, AUSTRIA

Guest Speakers:

Dr. Judith Hester, Public Prosecutor, Austrian Ministry for Constitution, Reform Deregulation and Justice, also representing the incoming Austrian Presidency, who exchanged views on cross-border access to electronic evidence

Dr. Matthias Schmidl, Deputy Head of the Austrian Data Protection Authority, sharing insights on the recently-applied GDPR



forward. Moreover, an emphasis is placed on exchanging views and best practices, focussing on gathering information on current topics and following the implementation of files, whilst staying up-to-date on emerging topics from all around Europe. This reinforces EuroISPA's added value, enabling us to spot and compare trends, as many policy files are being dealt with in multiple countries, yet through a national lens, which also bolsters engagement at the European level.

20 – 21 SEPTEMBER: CHIȘINĂU, MOLDOVA

Guest Speaker:

Mr. Vitalie Tarlev, Moldovan Secretary of State for ICT sector, who shared his views on the Moldovan regulatory environment



General Meetings over the course of 2018 took place across Europe, and EuroISPA was delighted to welcome several interesting Guest Speakers, hailing from Government and the private sector alike.

EuroISPA General Meetings are divided into a series of sessions, dedicated to the work of the association's eight policy sub-committees. These sub-committees steer the association's work in particular fields of importance and are chaired by elected EuroISPA Council Members.

29 – 30 NOVEMBER: BRUSSELS, BELGIUM

Guest Speakers:

Mr. Hans Das, Head of Unit, European Commission, DG HOME (Migration and Home Affairs), Unit D2, Terrorism and Radicalisation, who held a discussion with Members on the proposal tackling terrorist content online

Mr Marshall Erwin, Director Trust and Security, Mozilla, who gave a technical overview on DNS over HTTPS

Mr. Denton Howard, Executive Director, INHOPE, who held a presentation on the role of hotlines and future collaboration





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