



The voice of the European Internet industry

ANNUAL REPORT 2016

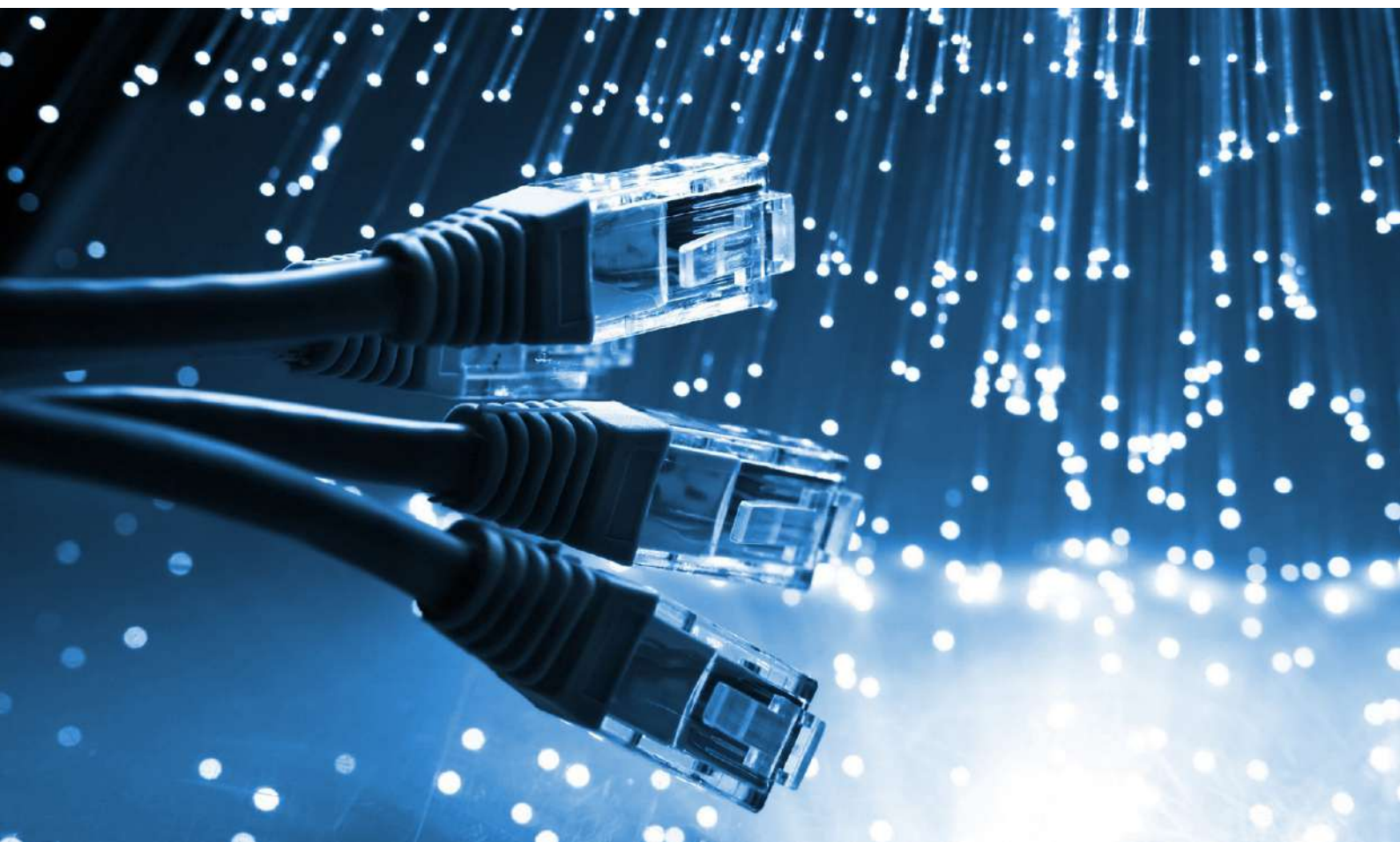




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Word of the President

This year EuroISPA celebrates its 20th year of existence as the representative body for European Internet services providers. The association was established all those years ago with the aim of elevating the voice of the fledging Internet industry and ensuring that EU and international regulation encouraged innovation in the exciting new sector. As we look back on the activities and achievements of EuroISPA in 2016, we clearly see that the founding members' ambition bears more relevance than ever.

In the last year EuroISPA faced down many challenges, and through our successes we reaffirmed the importance and value of engaging in regulatory debate at EU level. Our sector was at the centre of a number of sensitive political debates in 2016, particularly with respect to terrorism, hate speech, and most recently the phenomenon of so-called 'fake news'. In these and other debates, the voice of the European Internet infrastructure was essential to ensure policymakers considered the whole Internet value chain when crafting legislation to respond to specific downside problems.

Indeed, a large focus of EuroISPA's activities in 2016 centred on educating and providing technical insight to EU-level policymakers. Highlights included a workshop training on the Internet architecture and content control at the EuroDIG Internet governance conference, and a closed-door training session for European Parliament and European Commission policymakers on intermediary liability and notice-and-action. This educational theme found a focal point in the various legislative files within which our efforts were instrumental in 2016. Indeed, EuroISPA

interventions proved crucial in ensuring a balanced resolution to the EU Terrorism Directive, a forward-looking General Data Protection Regulation, and the maintenance of the E-Commerce Directive liability safe harbours.

While we had considerable successes in 2016, there is still much to do to ensure our ISP members benefit from an innovation-friendly regulatory environment. This year our policy efforts will focus on ensuring that the intermediary liability regime that has proven fundamental to the development of the Internet in Europe is maintained. We will also prioritise the removal of internal barriers to digital content, to empower European businesses and consumers to get the most value from our networks.

Indeed from copyright reform to data retention and everything in between, EuroISPA will continue to serve as the voice of the European Internet industry, guiding legislation that advances Europe's trajectory towards true digitalisation.



Oliver Süme
EuroISPA President

A handwritten signature in black ink, which appears to be 'O. Süme', written in a cursive style.

“In the last year EuroISPA faced down many challenges, and through our successes we reaffirmed the importance and value of engaging in regulatory debate at EU level.”

– Oliver Süme, EuroISPA President



About EuroISPA

EuroISPA AT A GLANCE

EuroISPA is the world's largest association of Internet services providers, representing the interests of more than 2500 companies from all 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 services 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 13).

Each year, the Council appoints a group of Officers – a President, a Vice-President 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.



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.



ADVOCACY AND MONITORING

In 2016, EuroISPA monitored and contributed to numerous legislative initiatives at the European level that had an impact on the Internet infrastructure. This advocacy work spanned the full spectrum of information society policy dossiers. The growing importance of the Internet sector to Europe's economic and social character was illustrated by the diverse set of dossiers in which EuroISPA engaged - from data protection and privacy to consumer protection and counter-terrorism.

DIRECTIVE ON COMBATTING TERRORISM

In early 2016, the EU Institution's began debating a proposed counter-terrorism law that would provide Member States with sweeping new powers to combat terrorism, particularly in the online sphere.

EuroISPA mobilised early in the process in order to feed into the discussions within the European Parliament. The intensive advocacy effort was motivated by the Parliament's demand that ISPs take an unprecedented role in judging whether certain content was terrorist in nature, and the obligation for ISPs to undertake aggressive content control measures to suppress such content.

Ultimately, EuroISPA successfully secured the exclusion of the European Parliament's more draconian amendments to the proposal. Moreover, in the final legal text EuroISPA succeeded in introducing an explicit reference to the superiority of removal-at-source over access blocking. This is a considerable achievement, given the toxic attitude in the European Parliament towards online operators and the intense desire among legislators to be seen to be "doing something" about terrorism online.

COPYRIGHT REFORM DIRECTIVE

In September 2016, the European Commission unveiled a legislative proposal to reform the EU's copyright regime. The proposal was roundly criticised by EuroISPA and other digital policy stakeholders, as it seeks to compel ISPs to filter their services for copyright-protected content and introduces 'ancillary copyright' for press publishers.

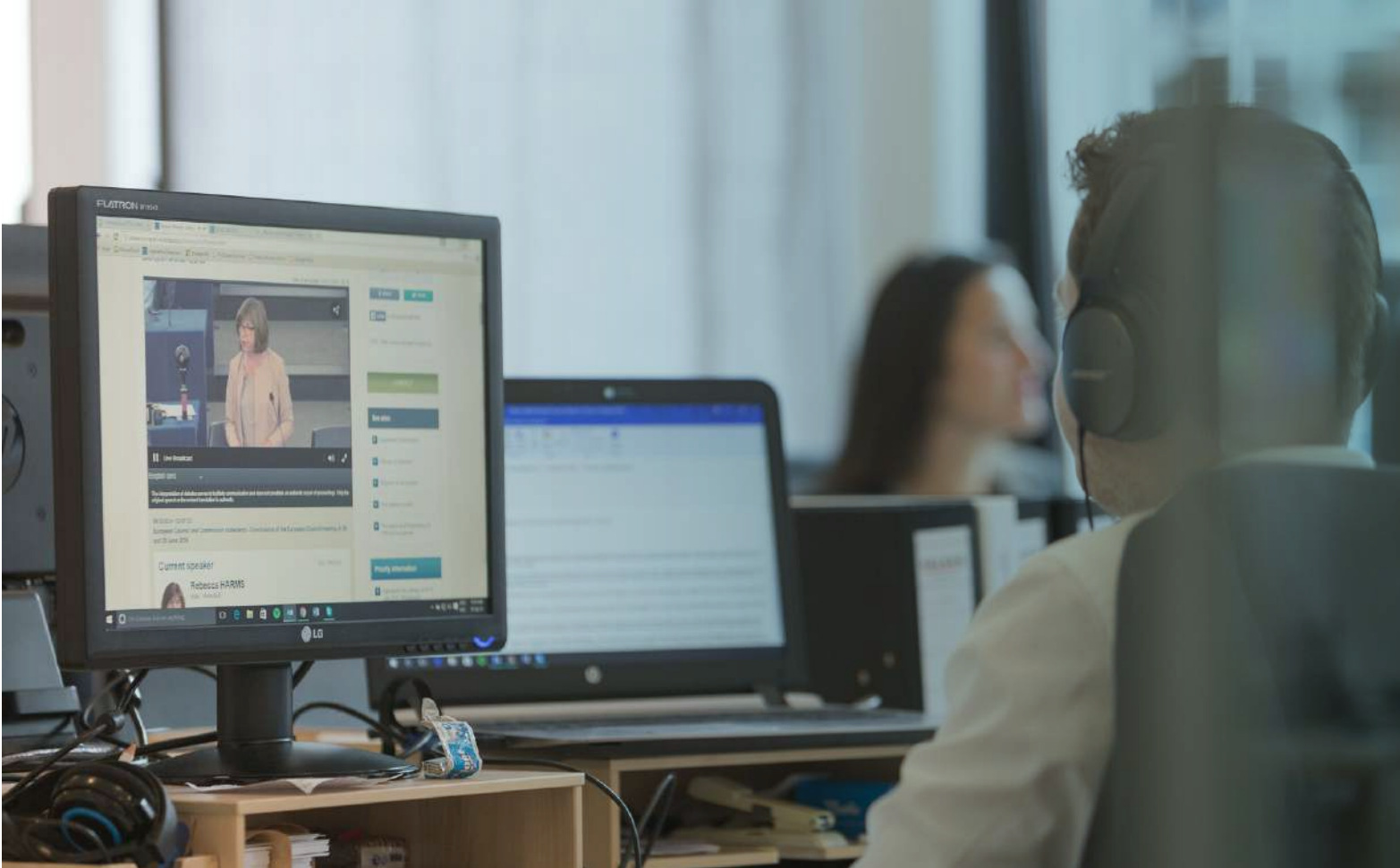
From September onwards, EuroISPA was actively engaged in the discussions on the new proposal, and expressed the views of ISPs to the leading policymakers working on the file. EuroISPA also drafted a technical analysis of the legislative proposal that highlighted its incompatibilities with the existing legal framework and its destabilising effect on the whole Internet value chain.

In parallel EuroISPA has been helping coordinate the general stakeholder push-back efforts, through its leadership within the Copyright4Creativity coalition (see page nine). In 2017 EuroISPA will continue to be at the forefront of efforts to ensure the proposal strikes a proper balance between protection of copyright and the rights of Internet users and ISPs.

CONSUMER PROTECTION COOPERATION REGULATION

Since mid-2016, the EU Institutions have been discussing a new procedural law that will enhance the enforcement of consumer protection law in the EU.

The proposal is particularly important for ISPs as it will give enforcement authorities the power to issue take-down notices for websites, domains or digital accounts suspected of violating consumer protection law. Moreover, they have the power to compel ISPs to hand-over data which could aid



the prosecution of website owners accused of violating consumer protection law.

EuroISPA undertook a widespread awareness-raising campaign in the European Parliament to highlight the flaws in the proposal. EuroISPA also drafted amendments which have been incorporated into the European Parliament's draft position on the legislative proposal.

IPR ENFORCEMENT DIRECTIVE

The EU Intellectual Property Rights Enforcement Directive (Enforcement Directive) harmonises across Europe the confiscatory and investigatory powers available to intellectual property litigants.

In early 2016, the European Commission ran a public consultation on the effectiveness of the current directive to which EuroISPA contributed. The association's intervention focused on highlighting ISPs' experience of abusive practices by IP litigants with regard to injunctions – specifically blocking and take-down orders.

EuroISPA also provided dedicated feedback to the key European Commission officials working on IPR enforcement, to feed into Commission's upcoming IPR enforcement white paper.

PRIVACY AND DATA PROTECTION

The early months of 2016 were dominated by uncertainty surrounding the future of EU-US data transfers, following the European Court of Justice's annulment of the Safe Harbour framework in late 2015.

In February and June 2016, EuroISPA President Oliver Süme participated to closed-door meetings with European Commission Vice-President Ansip and Commissioners Jourova and Oettinger, to urge the Commission to take action to ensure trust and legal certainty around data transfers. EuroISPA was also invited to a high-level workshop with national data protection authorities to discuss opportunities and challenges for the implementation of the EU General Data Protection Regulation.

Alongside these initiatives, EuroISPA played a lead role in the discussions around the proposed E-Privacy Regulation. EuroISPA coordinated a broad stakeholder position in the European Commission's public consultation on the matter in late 2016, and also participated to numerous political and technical discussions with the relevant European Commission units.



Plenary meeting of EU Observatory on Intellectual Property Rights infringements

PUBLIC OUTREACH

EU OBSERVATORY ON INTELLECTUAL PROPERTY RIGHTS INFRINGEMENTS

The EUIPO is a dedicated EU agency whose mission is to monitor and discuss policy issues around IPR infringements in Europe. The agency brings together policymakers from across the EU, as well as representatives of IP holders and relevant third parties.

EuroISPA is an expert external stakeholder at the EUIPO, representing the views of the European Internet industry in discussions around IPR enforcement. In 2016, EuroISPA Vice-President Dr Maximilian Schubert participated in several meetings of the EUIPO, raising awareness of ISPs' contribution to IPR enforcement and the need for policymakers to adopt a balanced approach to enforcement that safeguards online innovation and users' privacy.

COUNCIL OF EUROPE STEERING COMMITTEE ON MEDIA AND INFORMATION SOCIETY

The CDMSI directs the Council of Europe's work in the fields of freedom of expression, media, Internet governance, data protection and other information society issues. It brings together

representatives from national ministries of the 48 Council of Europe participant states, and third-party experts.

EuroISPA has played a longstanding role as official observer at the CDMSI, and led the drafting of the CoE's 2008 Human Rights Guidelines for ISPs. EuroISPA continued to drive forward the work of the CDMSI in 2016, with EuroISPA Honorary Spokesperson Michal Rotert participating in the steering-group's meetings and policy events.

EUROPOL EC3 EXPERT GROUP

In 2016, EuroISPA was invited to serve on Europol's communications providers expert advisory group. The group's purpose is to feed into Europol's efforts to tackle cybercrime, and develop an effective and balanced joint-up approach across borders.

EuroISPA is represented in the expert group through Vice-President Dr Maximilian Schubert. The association has already provided valuable insights and recommendations to law enforcement through the expert group, and will contribute intensively to the group's 2017 work programme.



Expert exchange of views with MEP Michal Boni on E-Privacy Regulation revision

COALITIONS

CONTENT COALITION

The Content Coalition is a EuroISPA-stewarded initiative that brings together the main representative groups of the European ICT ecosystem, namely Cable Europe, ETNO (telco incumbants), ECTA (telco alternatives), and GSMA (mobile operators). The coalition undertakes joint-activity on policy issues of mutual interest to European operators all along the ICT value chain.

In 2016, EuroISPA invigorated the coalition to call on the European Commission to maintain the intermediary liability provisions of the E-Commerce Directive. In a high-level letter to the European Commission Vice-President, Presidents of the various associations highlighted the importance of the Directive for driving European jobs and growth, and the need to resist pressure from certain sectors to reopen it.

COPYRIGHT4CREATIVITY COALITION

The C4C 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 2016, EuroISPA contributed heavily to the coalition's work on the proposed EU Copyright Reform Directive, and led efforts to enhance the coalition's advocacy engagement with EU policymakers. EuroISPA is continuing to provide expert insight to support the coalition's advocacy 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.

INDUSTRY COALITION FOR DATA PROTECTION

The ICDP was established by EuroISPA and a handful of other associations in 2012 to coordinate the industry's advocacy work throughout the development of the General Data Protection Regulation.

Following the completion of the GDPR legislative process in late 2015, EuroISPA led the effort to refocus the coalition's advocacy work onto the proposed E-Privacy Regulation. A specific workgroup within the ICDP has been set-up to lead reflections on E-Privacy, and EuroISPA was nominated to co-chair the group's activity. In that context, EuroISPA oversaw the ICDP's response to the European Commission's E-Privacy public consultation and will direct the coalition's advocacy work on the legislative proposal in 2017.

EUROPEAN PARLIAMENT ROUNDTABLE ON SAFER INTERNET

In April 2016, EuroISPA led the organisation of a European Internet Forum event on protecting children online.

The event was hosted by French Liberal MEP Nathalie Griesbeck with a panel of expert speakers representing INHOPE (CSAM hotlines), Europol (law enforcement) and Missing Children Europe (child protection NGO).

The EIF is a policy space stewarded by Members of the European Parliament, and brings together policymakers, industry, and civil society to discuss contemporary digital policy issues. The dedicated discussion on child protection was motivated by the fact that the European Parliament will soon draft a resolution on the future fight against child exploitation online, a process in which MEP Griesbeck will play a leading role.

EuroISPA's leading role in the organisation of this event helped raise awareness of the efforts undertaken by the Internet industry to ensure a safer online experience, particularly in context of its stewardship of industry-run Hotlines.

EURODIG TECHNICAL TRAINING ON ONLINE CONTENT CONTROL

The ninth instalment of the European Dialogue on Internet governance took place in Brussels in June 2016. EuroDIG is an annual multi-stakeholder platform to exchange views about the Internet and how it is governed.

As part of the symposium, EuroISPA co-organised a technical workshop for EuroDIG participants titled *Technical basics everyone should know before discussing online content control*.

The workshop, co-organised with the European Association for Top-level Country Code Domains (CENTR), sought to educate policymakers and Internet activists on the technical character of the Internet, and how the Internet architecture defines and constrains regulatory possibilities.

During the workshop, the 70+ participants enjoyed insights from Internet technical experts, as well as discussion 'firestarters' representing law enforcement, civil society, and academia.

EUROPEAN PARLIAMENT WORKSHOP ON NOTICE AND ACTION

On 21 June 2016, EuroISPA convened a high-level roundtable discussion in the European Parliament, focused on the fight against illegal content online.

The roundtable was hosted by Czech Liberal MEP Pavel Telička, and featured a panel including an Internet law expert from the Catholic University of Leuven (Belgium), the Center for Democracy and Technology, and a EuroISPA member.

The workshop brought together key policy influencers from the European Commission and European Parliament who are interested in the fight against illegal content online.

The EuroISPA vision of a Notice-and-Takedown framework characterised by transparency, clarity, and judicial oversight was delivered by Alex de Joode of Nederland ICT.

The discussions included detailed reflection on the optimal procedures and approaches for various types of illegal content, including child abuse, hate speech, and IPR infringements.



THIRD-PARTY PARTICIPATION

EUROPEAN PARLIAMENT WORKSHOP ON HATE SPEECH

On 16 June 2016, EuroISPA was invited to serve as an expert panellist at an event titled *Privatising the rule of law online: Freedom of speech, copyright and platforms in the digital single market*.

The event was co-organised by Dutch Liberal MEP Marietje Schaake and the European Digital Rights Initiative (EDRi).

EuroISPA Intermediary Liability committee chair Malcolm Hutto participated in the event's first panel discussion, which was themed "Regulating online speech: Liability, hate speech and incitement – where are the limits of democracy?"

The event also featured high-level officials from

the European Commission responsible for IPR enforcement and tackling hate speech; policy leads from major technology companies; as well as civil society and academic representatives.

CDT PANEL DISCUSSION ON INTERMEDIARY LIABILITY

On the morning of 06 September 2016, EuroISPA spoke participated in a panel discussion event titled *Intermediary Liability and Content Responsibility: A Cloud of Uncertainty for Internet Intermediaries*.

The event was organised by the Center for Democracy and Technology and sought to identify and analyse the European Commission's attempts to use vertical policy issues (e.g. copyright, terrorism, etc) to chip away at the liability safe harbours of the E-Commerce Directive.



European Parliament workshop on Notice & Action

EuroISPA was represented by Council Member Alex de Joode (Nederland ICT), who spoke on the panel alongside German MEP Julia Reda, digital rights activist Joe McNamee and Internet law expert Dr. Monica Horten.

EUROPEAN PARLIAMENT DISCUSSION ON PLATFORM REGULATION

On 30 November 2016, Intermediary Liability committee chair Malcolm Hutty was invited to speak on behalf of EuroISPA at an event on online platform regulation in the European Parliament.



European Parliament roundtable on safer Internet

Mr Hutty's intervention focused on the rationale and continued importance of the E-Commerce Directive's intermediary liability safe harbours. The position was contextualised with reference to the content filtering and active hosting criterion that is under discussion in the proposed EU Copyright Reform Directive.

The event was co-hosted by MEP Henna Virkkunen (EPP, Finland) and MEP Julia Reda (Greens, Germany). These MEPs are amongst the lead drafters of the Parliament's upcoming political resolution on platform regulation.



EuroDIG technical training on online content control

COUNCIL OF EUROPE OCTOPUS CONFERENCE

On Wednesday 16th November EuroISPA spoke at the Council of Europe's annual Octopus conference in Strasbourg.

The Octopus conference is the Council of Europe's flagship cybercrime forum, and brings together policymakers, law enforcement, and industry to discuss latest trends and future policy to tackle cybercrime in Europe.



European Parliament discussion on platform regulation

EuroISPA was represented by Alex de Joode of Nederland ICT. He provided the perspective of European ISPs in the panel discussion *Service provider/law enforcement cooperation on cybercrime and electronic evidence*.

Besides EuroISPA, the panel included representatives from the European Commission, the Italian judiciary, and industry actors such as Orange, Apple, and Microsoft.

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.

These meetings offer a unique opportunity for representatives of national ISP associations to exchange best practice insights from their varied experiences in the sector, and develop a bottom-up approach to EU-level discussions.

EuroISPA General Meetings also offer the opportunity to hear from national and EU-level information society experts. In 2016, EuroISPA members enjoyed guest addresses from policymakers in the European Commission, the French and Dutch governments, and academics from leading European Universities.

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.

- Intermediary liability – Chair: Malcolm Hutty, (LINX)
- Data Protection & Privacy – Chair: Oliver Süme (Eco)
- Innovation & Growth – Chair: Innocenzo Genna (AIIP)
- Cybercrime & Cybersecurity – Chair: Dr Maximilian Schubert (ISPA Austria)
- Safer Internet – Chair: Nicolas Darcy (AFPI)
- Market & Services – Chair: Jean-Marie Le Guen (FFTélécoms)
- International Affairs – Chair : Malcolm Hutty (LINX)
- Net Neutrality – Co-Chairs: Jussi Mäkinen (FiCom), Innocenzo Genna (AIIP)



Officers & Secretariat

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President



Dr Maximilian Schubert
Vice-President



Innocenzo Genna
EuroISPA Treasurer



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Honorary Spokesman

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