



*EuroISPA*

**Annual Policy Report  
2020**

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## Foreword Alexandra Laffitte



"I am humbled and honoured to have been elected to be the next president of EuroISPA. I thank EuroISPA's membership and extend my gratitude to my predecessor, Maximilian Schubert, for having been an outstanding President during his mandate. My time on the EuroISPA board over the past two years as Treasurer and Vice-President has given me great insight into the valuable work this association does. As the ISP sector continues to grow in span and impact, helping to shape the policies that regulate the sector has never been more important.

The past year has presented its challenges and obstacles across the globe and across industries, with the COVID-19 pandemic having ongoing effects on the way we live, work, and interact. It

has been reassuring to see that EuroISPA has kept up its momentum on the priority files, particularly in light of the long-awaited Digital Services Act (DSA), which was unveiled in December 2020. Indeed, EuroISPA's work over the past year on the DSA and on issues such as Cooperation with Law Enforcement, Data Protection, Safer Internet, and Cybersecurity, has been vital to making sure that as an industry we are aware of legislative developments and can contribute to the creation of policies that are likely to have far-reaching effects – on the industry, the Internet, and its users.

In the year ahead we have plenty to look forward to, as we continue to ensure that the needs of our members and of our sector are seen and heard at EU policy-making level. It is with gratitude that I take up my role as President alongside my trusted fellow officers, Vice-President Innocenzo Genna and Treasurer Thomas Bihlmayer, who will provide invaluable expertise and strategic insight. I am delighted to be able to steer the association for this new chapter ahead, building upon the important achievements of the past years and presidencies, and showcasing the crucial role EuroISPA plays for ISPs across Europe."

Alexandra Laffitte  
President of EuroISPA

## Foreword Maximilian Schubert

"Over the past two years as President, I have worked towards continuing the work of my outstanding predecessors by driving forward the great work of EuroISPA, which plays an essential role in providing strong and vital representation to our members who are based all over Europe, as well as from diverse parts of the Internet economic value chain. Whilst 2020 has indeed been a challenging year in many ways, I am confident that we were able not only to move forward on important files and policy issues in the EU arena, but also to ensure that the lively exchange between our members continued.

Throughout the year, our clear priority was to continue our intensive engagement over many years on the Digital Services Act (DSA), which will have a significant impact on Internet service providers, and therefore our membership base. With the announcement of the DSA in December 2020, the next step of this important regulatory process was initiated, bringing more stimulus to the discussion. Besides the DSA, we also focused on several other files of interest to our members. We provided input on consultations on a Strengthened Mandate for Europol and the revision of the NIS Directive, and worked alongside other industry players and associations, co-signing letters to highlight key issues in areas such as the ePrivacy Directive, or tackling terrorist content online.

As an association, we were happy to welcome a new member this year, asut, a thriving Swiss association for Internet service providers, which advocates for the ongoing development of the Swiss ICT sector. We also had a change in leadership, and I am happy to be succeeded by my trusted and esteemed colleague Alexandra Laffitte as the new president. In 2020, we also learned of the passing of Jiri Kysela, a highly valued member of EuroISPA. Jiri worked with us

for over a decade as a representative of CZ.NIC, but he was also a dear friend and truly esteemed colleague; he will be greatly missed.

It is a bittersweet moment to be leaving EuroISPA and ISPA AT after more than ten years, and to move on to my next professional challenge. However, I am leaving a strong and successful association, in the full knowledge that it will continue to improve even further under the well-balanced leadership of Alexandra Laffitte, Innocenzo Genna, and Thomas Bihlmayer.

I can only express my gratitude towards this association, the Secretariat under the excellent leadership of Isabelle De Vinck and Andrea D'Incecco, and of course the wonderful members and colleagues I have been able to work with during my ten years as part of this association. Thank you, and I wish my successor, Alexandra Laffitte and her board, the very best."



Dr Maximilian Schubert



# Who we are

## Council

EuroISPA is governed by and for its members, through its Council. EuroISPA's members are associations of Internet service providers (ISPs) across Europe, and each association appoints a representative to the Council. This body meets four times a year to formally discuss policy, matters of importance to the European Internet industry, and the administration of the Association.

The Council is divided into Committees, each of which steers the policy and advocacy work of the Association. The Committees cover a wider variety of dossiers and are chaired by designated members of EuroISPA's Council.

Every two years, the Council members also appoint a group of Officers composed of a President, a Vice-President, and a Treasurer. Should more than one person be nominated for any of these roles, there can be multiple officers holding the position at the same time. The Officers are tasked with ensuring the continued functioning of the Association, and are supported in the day-to-day activity of the Association by the Secretariat, based in Brussels.



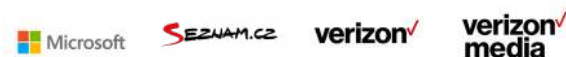
## Hotlines

Several of EuroISPA's national member associations also have hotlines or content-signalling platforms as part of their membership, or even run their own hotlines. These hotline services play a crucial role in tackling illegal content online, including child sexual abuse material.



## Forum

The EuroISPA Industry Forum is a structure which allows individual companies with a legitimate interest in the Internet industry to participate in EuroISPA's activities, discussions and working groups. The Forum joins Committee meetings to discuss policy issues and provide technical expertise and insight where needed. The Industry Forum acts in a purely advisory capacity to the Council.



## Observers

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



# Insights into the Association

## Adapting to the COVID-19 pandemic

In 2020, EuroISPA adapted to the emergence of the COVID-19 pandemic by making changes to its way of working. In light of the restrictions on in-person events, EuroISPA acted quickly to ensure that activities continued in a streamlined and effective manner. This included having more regular, virtual Committee meetings to follow files, the presence of the Officers at many online events with external stakeholders, and the organisation of virtual General Meetings rather than in-person events. Whilst presenting challenges of their own, these regular virtual events were important moments for engagement with both external and internal stakeholders.

## Board

In light of the end of the two-year mandate of the Officers, EuroISPA held an election during its General Meeting in November 2020. Following these elections, Alexandra Laffitte, Innocenzo Genna, and Thomas Bihlmayer were officially welcomed as the new President, Vice-President, and Treasurer respectively.

## Communications

In 2020, EuroISPA focused on building upon its communication efforts, with the aim of amplifying its achievements and core policy messages to our key stakeholders, as well as publicising events and announcements. This activity has been important to increase the reach of EuroISPA's voice in its network.

Press releases  
on key  
announcements

Regular  
appearance  
in media  
publications

Consistent  
presence on social  
media: Twitter  
and LinkedIn

Joint letters to  
policy makers  
with industry  
players

# Welcome from the new Board



## Alexandra Laffitte, President

Former fellow of the German Parliament, Alexandra chairs the Markets and Services Committee since April 2018. She oversees both European Affairs and the regulation of online contents and services at the French Telecoms Federation (Fédération Française des Télécoms) since March 2018, and was appointed an expert at the EUIPO in March 2019. 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 programme of La Sorbonne and the University of Cologne. Prior to being appointed President of EuroISPA, she served as a Vice-President, and then Treasurer, for the past two years.

## Innocenzo Genna, Vice-President

Innocenzo is a legal and policy expert for the European telecoms and Internet sector as well as being a board member in several European trade associations of the digital sector. He publishes articles in newspapers and on his professional blog RadioBruxellesLibera. Innocenzo graduated in law (magna cum laude) at the University of Macerata in 1991 and subsequently got an L.L.M. from both the College of Europe (Bruges) and the University of Trier. He has also been awarded a Diploma in Comparative Law from the International Faculty of Comparative Law of Strasbourg.



## Thomas Bihlmayer, Treasurer

Thomas joined EuroISPA's founding member eco – Verband der Internetwirtschaft e.V. in 2016 and heads eco's office in Brussels. Since the beginning of his time with eco, he has been actively involved in EuroISPA's work. Before joining eco, Thomas gained political experience first in the Austrian National Parliament and later as a Parliamentary Assistant in the European Parliament. He holds a Master's degree (Magister iuris) from the law faculty of the University of Vienna and studied at the law faculty of the University of Oslo under the Erasmus programme. Thomas further holds an LL.M. (Informationsrecht und Rechtsinformation).

## Michael Rotert, Honorary Spokesman

Prof. Michael Rotert studied business science at the University of Karlsruhe, specialising in operational research / informatics. In 1985, he implemented the first Internet connection at a German university. In June 1999, was awarded the title of Honorary Professor in the field of informatics by the University of Karlsruhe, where he has taught regularly since 1981. Through his work for various national and international bodies, Prof. Rotert is committed to providing intensive support for the success of the Internet in Germany. Between 2000 and 2017, he was Chairman of eco – Verband der Internetwirtschaft e.V., President (2003-2007) and Vice-President (2008-2009) of EuroISPA, and an industrial speaker of the German delegation of the G8 Cybercrime group. He also works as an expert for the EU, the UN and the U.S. Department of Commerce.



# EuroISPA

## January

- Maximilian Schubert spoke at conference on 'Digital Cross-Border Cooperation in Criminal Justice', Brussels
- Called on decision-makers to agree on comprehensive deal covering digital services and ensuring data adequacy in context of Brexit
- Participated in Centre for European Policy Studies (CEPS) Taskforce meeting on e-evidence

## March

- EuroISPA General Meeting
- Welcomed new member to Association, asut
- Participated in CEPS Taskforce meeting on e-evidence

## May

- EuroISPA Officers' Meeting
- EuroISPA Committee Meetings: Intermediary Liability, Safer Internet, Market & Services, Innovation & Growth
- Participated in videoconference on the DSA with Cabinet of European Commission Vice-President Margrethe Vestager
- Participated in videoconference on the DSA with Prabhat Agarwal, Head of Unit Digital Services and Platforms, DG CNECT
- Held meeting with the Danish attaché in charge of the DSA
- Published points of critique on the German Draft Act amending the Network Enforcement Act (NetzDG)

## April

- Submitted feedback to European Commission on two-year anniversary of General Data Protection Regulation (GDPR)
- EuroISPA Committee Meetings: Data Protection Committee, Cybersecurity Committee
- Participated in meeting on ePrivacy with Cabinet of EU Commission Executive Vice-President Margrethe Vestager
- Participated in videoconference on the DSA with MEP Patrick Breyer
- Conducted interview with Valdani Vicari e Associati (VVA) and University of Namur for a European Parliament Study on online platforms' content moderation practices

## June

- EuroISPA General Meeting
- Maximilian Schubert spoke on the role of ISPs in the fight against disinformation at Renew Europe Group event in the European Parliament
- Co-signed letter on DSA/e-Commerce Directive
- Participated in videoconference on the DSA with Dutch Economy Ministry
- Participated in online stakeholder conference on the DSA with MEP Tiemo Wölken

## February

- Maximilian Schubert spoke at Council of Europe event on International Cooperation with Foreign Service Providers, Tbilisi
- Maximilian Schubert spoke at European Internet Forum event on "Encryption and data protection: challenges of law enforcement", coordinated by EuroISPA
  - Malcolm Hutter spoke at European Parliament Internal Market and Consumer Protection Committee workshop on "e-commerce rules, fit for the digital age"
- Maximilian Schubert spoke at OSCE, United Nations Office of Counter-Terrorism, and Switzerland conference on "Foreign Terrorist Fighters – Addressing Current Challenges"
  - Alexandra Laffitte spoke on intermediary liability, online child protection, and artificial intelligence at Council of Europe (CoE) meeting as part of EuroISPA's Memorandum of Understanding with CoE, Strasbourg
- Maximilian Schubert spoke on the liability of Internet intermediaries and cross-border exchange of e-evidence at UNODC Expert Group Meeting, Vienna
- Conducted outreach programme on DSA with Member States representatives
- Conducted several meetings on the DSA with: MEP Alex Agius-Saliba; DG CNECT; Commissioner Jourova's Cabinet; Commissioner Reynders' Cabinet
- Contributed to European Parliament's work on the e-evidence draft report

# Timeline

## December

- Oliver Süme attended roundtable with European Commission on new Standard Contractual Clauses (SCC) draft
- Held webinar for members on EU policy and political trends
- Contributed to European Commission Inception Impact Assessment on new Regulation on the detection, removal, and reporting of child sexual abuse online
- Contributed to fifth round of consultations on 2nd Additional Protocol to the Budapest Convention
- Sent letter to policymakers on European Commission proposal for a temporary derogation from certain provisions of the ePrivacy Directive for combatting child sexual abuse material online

## October

- Hosted webinar for members with Alain Durand on ICANN's (Internet Corporation for Assigned Names and Numbers) Identifier Technology Health Indicator (ITHI) Project
- Published critiques of Austrian Anti-Hate Speech Law, KoPI-G
- Co-organised event with the European Internet Forum on geo-blocking in the context of the Digital Single Market
- Contributed to European Commission consultation on the revision of the NIS Directive
- EuroISPA Committee Meetings: Data Protection, Innovation & Growth, Safer Internet, joint Intermediary Liability and Markets & Services

## July

- Contributed to a European Commission consultation on the Inception Impact Assessment of the Future Europol Regulation
- Published the EuroISPA Annual Report 2019
- Provided input to European Commission survey on a Strengthened Mandate for Europol
- EuroISPA Officers' Meeting
- Participated in the Council of Europe Ad hoc Committee on artificial intelligence (CAHAI)

## November

- Alexandra Laffitte coordinated event with Council of Europe and the Internet Governance Forum on tackling hate speech online
- EuroISPA General Meeting
- Election of new EuroISPA Board

## September

- Contributed to the European Commission public consultation on the DSA
  - EuroISPA General Meeting
- Signed joint letter on Terrorist Content Online Regulation to EU Council, European Parliament, and European Commission
- Alexandra Laffitte participated in European Regulators Group for Audiovisual Media Services event on "Pluralism and Responsibility: Media in the Digital Society"
- EuroISPA Cybersecurity Committee meeting
- Held call with Commissioner Reynders and other trade associations on international data flows

2020

## Focus of the year: Policy Action



## Cooperation with Law Enforcement Authorities

Much of the work of EuroISPA's members is directly linked to the activities of law enforcement authorities across Europe. Whilst access to and use of online data by Law Enforcement Authorities (LEAs) is important for their work, it must always be done in such a way as to ensure the privacy, security, and trust of users. Throughout 2020, EuroISPA actively worked on files such as encryption, a Future Europol Regulation, and data retention.

## Encryption

End-to-end encryption in messaging services, as well as cryptographic protocols, are essential for creating trust in and on the Internet. In December 2020, the EU Council adopted a resolution on encryption titled "Security through encryption and security despite encryption". The EU Council supports the development, implementation, and use of strong encryption as a necessary means of protecting fundamental rights and the digital security of citizens, governments, industry, and society. At the same time, it is exploring possibilities for competent authorities to access data in a "lawful and targeted manner, in full respect of fundamental rights and the relevant data protection laws, while upholding cybersecurity".

In 2020, EuroISPA built upon its ongoing work on highlighting the importance of encryption and its opposition to calls for backdoors. In February 2020, EuroISPA's President spoke at an European Internet Forum (EIF) event, highlighting the crucial role of encryption in enhancing users' privacy, online security, data protection, trust

in the Internet, and free expression online. When an EU Council draft resolution calling for the weakening of encryption was leaked in December 2020, EuroISPA publicly stated that law enforcement work should not come at the cost of cybersecurity and user privacy.

## Future Europol Regulation

In June 2020, the European Commission published a consultation aiming to revise the mandate of Europol, looking at issues such as how Europol could receive data from private parties, request the initiation of cross-border investigations, or streamline its cooperation with third countries. Building on the different consultations carried out, the Commission presented its proposal for strengthening the mandate of Europol in December 2020.

EuroISPA responded to the European Commission Public Consultation and participated in a further survey on the direct exchange of personal data between Europol and private parties. EuroISPA insisted on having first a proper evaluation of the current Regulation and to finish the e-evidence negotiations before revising the Europol mandate. More importantly, even though the proposal enables the agency to improve its cooperation with private parties in order to counter the criminal use of cross-border services, it does not empower Europol to directly request data from private entities, which was one of EuroISPA's key asks.



## Data Retention

Despite pressure from Member States, the European Commission remains cautious in considering a future legislative proposal on data retention given the numerous open cases before the Court of Justice of the European Union (CJEU). However, during 2020, the Commission continued gathering further information from stakeholders and organised targeted consultations as part of a comprehensive study on possible solutions for retaining data, including the consideration of a future legislative initiative.

EuroISPA provided input to the European Commission study on the retention of electronic communications non-content data for law enforcement purposes, as well as preparing internally for upcoming legislative proposals. The study was commissioned by the European Commission and conducted via an external policy research agency.

## Copyright Directive and the Single Market for Online Content

### Context

The EU Copyright Directive was adopted and published in the Official Journal of the EU in May 2019. Work on this file moved more slowly in 2020, and the focus moved towards the transposition of the Directive. However, in 2020, the European Commission continued its stakeholder dialogue and then shared a consultation on the Copyright Directive's Stakeholder Dialogue, which allowed EuroISPA to participate in discussions feeding the European Commission's guidance for the implementation of provisions on upload filters by Member States.

### EuroISPA's actions

EuroISPA focused on examining the impact of the Copyright Directive as a whole, with a particular focus on articles 15 and 17 of the Directive. The former creates a new ancillary copyright for publishers of press publications established in a Member State for the online use of their press publications by platforms. The latter creates primary liability for platforms giving public access to copyright-protected works uploaded by their users. As a consequence, these platforms must obtain a license from rightsholders or put in place specific measures to tackle these issues.

In 2020, EuroISPA continued as a member of the European Commission's Stakeholder Dialogue and subsequently contributed to the discussions on the transposition of the Copyright Directive into EU Member State national law of EU Member States. In addition, EuroISPA provided its members with a useful platform to exchange best practices concerning the implementation of the Directive in national legal regimes. EuroISPA continues to monitor the development of content regulation in the EU with the aim of promoting an innovative and open environment for digital content, including potential initiatives regarding geo-blocking.

## Digital Services Act

### Context

The e-Commerce Directive was adopted 20 years ago, and was rightly considered the cornerstone of the Digital Single Market. Since then, new services and practices have emerged, leading the European Commission to decide to create new rules for intermediary services by tabling a proposal for a Digital Services Act in December 2020. The EU Council and the European Parliament are now examining the proposal and will amend it throughout 2021 and beyond.

### EuroISPA's actions

EuroISPA has been a thought leader on intermediary liability and content moderation issues for the past 20 years, since the inception of the e-Commerce Directive. As the Internet ecosystem has changed dramatically since the early 2000s, EuroISPA has welcomed the work of the European Commission on the matter and conducted intense internal deliberations to agree on a position of the Association on the future of intermediary liability. This resulted in our 'Principles for the Future of the EU Intermediary Liability Framework', published in 2019. In 2020, EuroISPA, and in particular the Intermediary Liability Committee, worked relentlessly to share technical input with and promote the position of the industry vis-à-vis policymakers, from MEPs, to European Commission Cabinets, as well as representatives of Member States. This work culminated in EuroISPA's response to the European Commission's open public consultation, in September 2020.

## E-evidence

### Context

The electronic evidence (e-evidence) file was delayed for much of 2020, with discussions postponed in the European Parliament due to the COVID-19 pandemic. The Commission has been calling for a swift adoption of the

e-evidence proposal, but still, delays persisted in the organisation of meetings within the European Parliament's Civil Liberties, Justice and Home Affairs (LIBE) Committee because of the ongoing pandemic. Finally, in December 2020, the LIBE Committee reached an agreement on the e-evidence report, along with the mandates to begin inter-institutional negotiations.

### EuroISPA's actions

EuroISPA shared its recommendations from the point of view of the European ISPs regarding the European Parliament amendments to the European Commission proposal and maintained regular contacts with the Rapporteur and the Shadow Rapporteurs of the file. EuroISPA also took part in different meetings on the topic of cross-border data access, such as the one organised by the Centre for European Policy Studies (CEPS), where a discussion took place on the future of the e-evidence framework and its alignment with other treaties, in particular the 2nd Additional Protocol to the Budapest Convention and the EU-US agreement to facilitate access to electronic evidence in criminal investigations. EuroISPA will present its recommendations for a balanced system and a future-proof e-evidence legislation ahead of the planned interinstitutional negotiations that will take place in 2021, and will continue discussions with policymakers involved.



## ePrivacy

### Context

In 2020, work on the ePrivacy Regulation continued in the EU Council, while the European Parliament already settled on its position in 2017. However, neither the Croatian nor the German Presidency managed to secure an agreement between Member States. Legal grounds to lawfully process data, such as “legitimate interest” and ensuring the correct alignment with the GDPR, led to particularly complex discussions which are expected to continue in 2021.

This picture was further complexified by the entry into force of the European Electronic Communications Code (EECC), which caused providers of number-independent interpersonal communications services to fall into the definition of operators of electronic communications, thus becoming subject to the ePrivacy Directive. The interaction between the regulatory frameworks creates uncertainty over the legal basis for processing personal data for the purpose of detecting child sexual abuse material (CSAM) and can impact operators’ ability to deploy voluntary measures for the detection of this illegal content, with unintended consequences for the victims. To solve this serious problem, the European Commission presented a proposal for an Interim ePrivacy Regulation on the processing of personal and other data for the purpose of combatting child sexual abuse.

### EuroISPA’s actions

EuroISPA worked on identifying where the ePrivacy text should be simplified and aligned with the GDPR to ensure consistency. Once the Croatian Presidency put forward an updated proposal for Member States to comment on, in February, EuroISPA used the opportunity to share amendments with Member States. In response

to a joint letter to the new executives of the Commission, EuroISPA was invited to a coalition meeting with members of the Cabinet of Vice-President Margrethe Vestager in April. During the German Council Presidency, the second semester of 2020, EuroISPA co-signed a letter voicing the industry’s concerns about the lack of flexibility in the compromise put forward by the new Presidency, along with a broad coalition of associations.

## NIS Directive

### Context

The NIS Directive is a piece of legislation which aims to provide legal measures to boost the overall level of cybersecurity in the EU. It entered into force in August 2016, and Member States were expected to transpose it into national law by 9 May 2018. Its revision was included in the European Commission Work Programme for 2020. As part of this process, the European Commission launched a consultation in July 2020, and presented a proposal for a revised NIS Directive (NIS2) on 16 December 2020. The proposal builds upon and repeals the current NIS Directive, modernising the existing legal framework taking into account the increased digitisation of the internal market in recent years and an evolving cybersecurity threat landscape.

### EuroISPA’s Actions

EuroISPA stayed abreast of discussions on the topic of DG HOME’s plan to enhance the synergies with the NIS Directive on its proposal on critical infrastructure protection and contributed to the public consultation to ask the Commission to improve its harmonisation efforts and to ensure the new proposal is consistent with other legal instruments, such as the European Electronic Communications Code.

Moving forward, after analysing the Commission’s proposal and finalising its own position paper, EuroISPA will contact both the European Parliament and the EU Council to share its views on the proposed text.

## Tackling Child Sexual Abuse Material

### Context

In July 2020, the European Commission published its strategy for a more effective fight against child sexual abuse. The strategy urges Member States to finalise the implementation of the Directive on child sexual abuse as a matter of priority, but more importantly, states its intention to update the legislative framework to make it more effective. An updated directive will attempt to complement and improve existing EU activities in protecting children from sexual abuse, and to address new challenges such as unforeseen risks of end-to-end encryption. The proposal also includes the possible creation of a European Centre to prevent and counter Child Sexual Abuse Material (CSAM). In September, the European Commission also presented a proposal for an interim Regulation on the processing of personal data for the purpose of combatting child sexual abuse, to allow number-independent interpersonal communications providers to fight sexual abuse under the scope of the ePrivacy Directive after the entry into force of the European Electronic Communications Code (EECC) on 21 December 2020.

### EuroISPA’s actions

EuroISPA remained actively engaged throughout 2020 on this topic, submitting its contribution to the European Commission’s Inception Impact Assessment on the proposed new Regulation on

the detection, removal and reporting of child sexual abuse online and by sending a letter to Members of the European Parliament and Member States on the importance of ensuring the interim Regulation enters into force as soon as possible. In 2021, EuroISPA will participate in the European Commission’s public consultation on the topic, which will feed into the proposal expected to be published by June 2021.

## Terrorist Content Online

### Context

In early 2020, the discussions between the European Parliament and the EU Council on the proposal for a Regulation to tackle terrorist content online were complicated, particularly in relation to cross-border orders and filtering mechanisms. Several meetings on the topic took place in February and March, and resulted in an inter-institutional Agreement in December 2020.

### EuroISPA’s actions

EuroISPA co-signed a letter to representatives of the EU Council, the European Parliament and the European Commission on the fourth trilogue on the proposal for a Regulation on preventing the dissemination of terrorist content online. The letter included a call to address items such as clarifying the definition of terrorist content, empowering competent authorities to deal with this content effectively, ensuring that no over-blocking of content takes place, prohibiting general monitoring obligations for hosting service providers, and protecting user data.

# Public Outreach & Engagement

1.

**EVIDENCE2e-CODEX, EXEC & e-Evidence Projects Conference on 'Digital Cross-Border Cooperation in Criminal Justice', Brussels, 22 January**

The two-day event brought together 118 professionals from 68 different organisations from the EU and beyond, for expert presentations and discussion sessions. Topics included, but were not limited to, evidence exchange and standards facilitating the cross-border investigations, the changes in the legal professions to reflect on the pressing legal and technology needs, and EU best practices and lessons learnt on the adoption of the cross-border cooperation tools. EuroISPA's then President Maximilian Schubert spoke at the event, to highlight examples of best practice in the successful collaboration between ISPs and law enforcement authorities.

2.

**Council of Europe's Event on International Cooperation With Foreign Service Providers, Tbilisi, 26 to 28 February 2020**

The Cybercrime Programme Office of the Council of Europe (C-PROC) and the European Commission hosted an international meeting on the cooperation with foreign service providers, in Tbilisi, Georgia. Maximilian Schubert spoke at the event and drew attention to the fact that law enforcement authorities and ISPs want to make the Internet a safer place, although their approaches differ slightly, which should be kept in mind when looking for cooperation.

3.

**European Parliament Internal Market and Consumer Protection Committee (IMCO) Workshop on "e-Commerce rules, fit for the digital age", 18 February 2020**

The IMCO Committee workshop on "e-Commerce rules, fit for the digital age" focused on the revision of the e-Commerce Directive and the Digital Services Act. Malcolm Hutter, Chair of EuroISPA's Intermediary Liability Committee, presented several points of EuroISPA's consensus position on intermediary liability principles, including the necessity to preserve the limited exemption from intermediary liability and existing e-Commerce Directive's categories, the idea of creating a category for online platforms as well as the possibility of formulating a "Good Samaritan Clause".

4.

**Organisation for Security and Co-operation in Europe (OSCE), United Nations Office of Counter-Terrorism, and Switzerland Conference on "Foreign Terrorist Fighters – Addressing Current Challenges", 11 and 12 February 2020**

This joint regional high-level event was organised in cooperation with the Albanian OSCE Chairmanship, and brought together high-level officials and experts, along with international and regional organisations, the private sector, academia, and civil society. The event aimed to further dialogue on good practices, lessons learned, and policy options in addressing the evolving foreign terrorist fighters phenomenon, in compliance with the rule of law and human rights (in which there is a continued serious threat to international peace and security from those who remain in conflict zones, return to their countries of origin or nationality, or relocate to third countries). Maximilian Schubert, then President of EuroISPA, was invited to provide insight into the practical challenges with respect to cross-border access to electronic evidence.

5.

**UNODC Expert Group on “The Liability of Online Intermediaries in the Context of Trafficking in Illicit Goods, with a Focus on Trafficking in Wildlife Crime, Falsified Medical Products and Cultural Goods”, Vienna, 4 to 6 February 2020**

In the context of Article 10 of the United Nations Convention on Transnational Organised Crime (UNTOC), this event aimed to evaluate the already existing legal frameworks for intermediary liability and assess whether stricter liability frameworks for intermediaries would contribute to a better prosecution of crimes such as trafficking in wildlife crime, falsified medical products, and cultural goods. Maximilian Schubert provided the Association’s insight on the future liability of Internet intermediaries and cross-border exchange of electronic evidence. He placed a particular focus on EuroISPA’s consensus position on “Principles for the Future of the EU Intermediary Liability Framework” (June 2019) and EuroISPA’s internal survey on “Priority Flagging Partnerships in Practice” (January 2019).

6.

**Renew Europe Group Event, “From Pandemic to Infodemic: Countering Disinformation Amid COVID-19”, European Parliament, 4 June 2020**

The event focused on the measures taken by platforms to counter disinformation and the challenge of harmful content in the context of COVID-19 and the DSA debate. On behalf of EuroISPA, Maximilian Schubert spoke on the role of ISPs in the fight against disinformation and harmful content, focusing on the measures taken by platforms and discussing the challenge of harmful content in the context of the DSA discussion.

7.

**European Regulators Group for Audiovisual Media Services (ERGA) Event on “Pluralism and Responsibility: Media in the Digital Society”, 22 September 2020**

In the context of the German EU Council Presidency, the European Regulators Group for Audiovisual Media Services (ERGA) gathered high-level speakers to discuss issues linked to media pluralism in Europe. The session was chaired by Tobias Schmid, Chair of ERGA and Commissioner for European Affairs of the Directors’ Conference of the German Media Authorities, and aimed to look into finding effective solutions for a balance between the protection of fundamental European values and the requirements of content providers on the other side. Alexandra Laffitte, then Vice-President of EuroISPA, joined other guests in discussing potential European solutions to stabilising a free media system.

8.

**Council of Europe and Internet Governance Forum Event on Tackling Hate Speech Online, November 2020**

Alexandra Laffitte, at the invitation of the Council of Europe, facilitated the event, which had the goal of examining how hate speech online should be tackled both by the industry and by governments. The event consisted of three parts: an introduction to the concept of a comprehensive approach to combating hate speech within a human rights framework, breakout room sessions to reflect on promising practices and opportunities to realise a human rights-based approach towards hate speech (within the three main areas of intervention: prevention, protection and prosecution), and a closing plenary session which collected the feedback from the discussions. The Council of Europe Expert Committee on Combating Hate Speech planned to use this feedback to inform a draft recommendation on ‘a comprehensive approach to addressing hate speech within a human rights framework’.



# Collaborations & Network

Throughout the year, EuroISPA continued to build upon its network of collaborators through the organisation of events and work on papers and letters.



## Copyright4Creativity (C4C)

The Copyright4Creativity coalition gathers industry, civil society, consumer groups, and creators who have a shared vision of a modernised copyright regime in Europe. Since its founding in 2012, EuroISPA has played a leading role in the coalition's work and continues to do so, with a particular focus on issues concerning piracy and copyright enforcement.

In 2020, EuroISPA continued its engagement with the coalition's work through an exchange of information as well as common initiatives, particularly in the context of the Copyright Directive and on the DSA.



## Council of Europe

In 2020, EuroISPA continued to build upon its long cooperation with the Council of Europe, with the aim of promoting respect for democracy, human rights, and the rule of law on the Internet. Cooperation between EuroISPA and the Council of Europe took the shape of several events, both online and in-person:

- Maximilian Schubert spoke at the Council of Europe's event on international cooperation with foreign service providers, in Tbilisi (in-person)
- Alexandra Laffitte contributed to a Council of Europe meeting with EuroISPA's considerations about intermediary liability, online child protection, and artificial intelligence, in Strasbourg (in-person)
- Alexandra Laffitte coordinated an event on tackling hate speech online with the Council of Europe and the Internet Governance Forum (online)



## EU Intellectual Property Office (EUIPO)

The EUIPO manages the European trademark and intellectual property policy. EuroISPA is a member of the EUIPO Observatory, an opportunity it uses to convey and emphasise the messages and key issues of the Internet industry with regards to intellectual property practices.

Alexandra Laffitte also acts as an expert for the EUIPO in her personal capacity. She has provided input as part of the Working Group "Cooperation with Intermediaries" on topics including content regulation, domain name issues, and social media services.



## European Internet Forum (EIF)

The EIF is a platform led by Members of the European Parliament (MEPs) which allows for discussions on top-priority digital files between MEPs, industry representatives, and NGOs. It also enables the proposal of suggestions on the political direction of digital legislation and fosters a greater understanding of the impact of technological development. The EIF is an important platform for EuroISPA, offering the opportunity to have useful exchanges with stakeholders, gain insight into central digital files, and voice the European Internet industry's concerns and policy suggestions. Innocenzo Genna continued to represent EuroISPA on the Board of the EIF in 2020, and EuroISPA further participated in the form of collaborations on several events, such as on the event "Encryption and data protection: challenges of law enforcement" and the Internet Governance Forum (online).



## INHOPE

INHOPE is a global network of 47 member hotlines, leading the fight against child sexual abuse material (CSAM) online, since 1999. Together, they advocate for legislative and policy changes, with the support and funding from the European Commission. INHOPE's vision is a world free of CSAM online. They support their member hotlines through training, best practices, quality assurance and staff welfare.

The longstanding and ongoing cooperation between EuroISPA and INHOPE is reflected 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 CSAM. EuroISPA's membership includes several industry-run hotlines, further reinforcing the importance of this partnership, and EuroISPA looks forward to continuing its work with INHOPE in future collaborations.



## Internet Corporation for Assigned Names and Numbers (ICANN)

ICANN is a not-for-profit public-benefit corporation with participants from all over the world dedicated to keeping the Internet secure, stable and interoperable. It promotes competition and develops policy on the Internet's unique identifiers. Through its coordination role of the Internet's naming system, it has an important impact on the expansion and evolution of the Internet.

In 2020, EuroISPA cooperated with ICANN on the organisation of an online webinar session for EuroISPA members, on the topic of ICANN's Identifier Technology Health Indicator (ITHI) Project.

# Events

Throughout the year, EuroISPA organised a wide variety of events to help highlight key issues as well as the work of the Association and its individual members. In 2020, in light of the COVID-19 pandemic and restrictions on travel and social gatherings, many of these events took place virtually.

EuroISPA welcomes its Council members to four General Meetings per year, all held virtually in 2020. These meetings are a moment for EuroISPA members from across Europe to gather

and discuss the latest developments in ICT law and regulation at EU and national level. They also serve as the Association’s central strategy meetings: a moment when the direction of EuroISPA’s policy action is defined and targeted approaches are established. At each General Meeting, EuroISPA invites guest speakers who provide valuable insights into the wider debates of the industry, as well as food for thought for the membership.

## General Meeting Guest Speakers

### March

**Eva Ignatuschtschenko**  
Head of Digital Standards Team, Department for Digital Culture, Media and Sport, UK Government

**Eleonor Duhs**  
Director Technology, Outsourcing and Privacy at Fieldfisher

### June

**Jan Penfrat**  
Senior Policy Advisor

### September

**Patrick Breyer**  
Member of the European Parliament

**Svetlana Schuster**  
European Commission, DG Connect

### November

**Max Schrems**  
Activist and Chairperson of NYOB.eu

**Iverna McGowan**  
Director, Centre for Democracy & Technology Europe

## Webinars

### October

EuroISPA coordinated an event on geo-blocking in the context of the Digital Single Market, along with the European Internet Forum. During this event, we welcomed guest speakers from the European Commission, Ecommerce Europe, the Federation of German Consumer Organisations (VZBV), International Confederation of Music Publishers (ICMP), and the Bureau Européen des Unions de Consommateurs (BEUC), among others.

EuroISPA hosted a webinar with Alain Durand, Principal Technologist at Internet Corporation for Assigned Names and Numbers (ICANN) on ICANN’s Identifier Technology Health Indicator (ITHI) Project. This event was aimed at EuroISPA members.

### December

In December, EuroISPA organised a webinar on EU policy trends for members. During the event, the discussion focused on digital sovereignty, cybersecurity, and content regulation, among other topics.

# Officers



Alexandra Laffitte  
President



Innocenzo Genna  
Vice-President



Thomas Bihlmayer  
Treasurer

# Secretariat



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Head of Secretariat



Andrea D’Incecco  
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# EuroISPA

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