ANNUAL POLICY REPORT 2023
BRUSSELS OUTLOOK 2024

EuroISPA

EuroISPA is the world's largest association of Internet services providers, representing the interests of over 3,300 ISPs across the EU and EFTA countries.
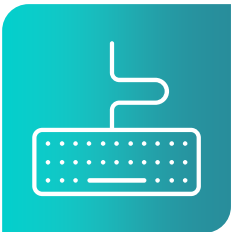
EuroISPA has an active role in EU-level discussions on digital policies on behalf of its members with the aim of ensuring that the ISP industry's voice is at the forefront of decisions impacting the future of the Internet.

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HIGHLIGHT

IN OCTOBER 2023, WE LAUNCHED OUR NEW MANIFESTO FOR AN INNOVATIVE AND FAIR EUROPEAN INTERNET ECOSYSTEM AHEAD OF THE 2024 EUROPEAN ELECTIONS.

The result of a collaborative effort by its members, the Manifesto advocates for putting innovation and fairness in the European Internet ecosystem at the core of the next mandate's policymaking in the digital sphere.

It includes asking EU legislators to commit to the joint implementation of actions towards:

- a fully functioning internal market
- a long-term vision on privacy online
- a harmonised European strategy for cybersecurity
- legislative coherence for digital infrastructure

By focusing on these issues, the EU can enhance its competitiveness, safeguard fundamental rights, and unlock the benefits of new technologies.

MANIFESTO FOR THE
2024 EUROPEAN ELECTIONS

FOR THE FUTURE OF THE INTERNET, EU POLICY NEEDS TO FOCUS ON DIGITAL INFRASTRUCTURE

With the EU progressively increasing its focus on digital policymaking, it is ever more crucial that digital infrastructure be kept at the core of decisions that impact the Internet.

The true advancement of digital policies incorporates all actors along the value chain of Internet service provision and has the potential to create an innovative digital sphere in the interest of EU citizens. Policies must be adapted to the reality of an ecosystem that is composed of many kinds of actors, taking into account differences in resources and precedent, particularly if we want to see even implementation across the entire sector.

Indeed, what we need in order to create a sustainable EU digital policy life-cycle is clarity regarding implementation and coherence with existing legislation, and avoidance of legislative overlap.

The EU is seen as a driving force of innovation globally; but in order to truly enable an innovative, free, and fair Internet, the EU must consider all the actors within the sphere of Internet service provision.

For the EU to maintain its status as a key actor at the global level of Internet services provision, it must nurture a competitive digital market at the infrastructure and service level. The EU has the chance to play a leading role in the development of emerging technologies, including AI, quantum technology, blockchains, and virtual worlds, and to build legislation which allows players of all sizes to participate – and it must take that chance to be at the forefront change.

Meanwhile, we must not forget that a safer Internet is crucial for the integrity of EU democracy. Ensuring technology neutrality and encompassing every actor within the Internet ecosystem allows for effective policy-making that creates a safer and freer Internet for all EU citizens.

Elina Ussa
President of EuroISPA

Read our Manifesto online

2023:
AN OVERVIEW

8
Position Papers, Letters, Recommendations, and Consultations

20
Meetings with Policymakers, Workshops, etc.

11
General Meeting Guest Speakers

4
General Meetings

3
Events

JANUARY

- Met with European Commission on tackling piracy of live content
- Participated in the S&D stakeholder hearing on the CSA Regulation
- Met with ETNO on the CSA Regulation

FEBRUARY

- Hosted webinar with Eurojust and Europol on the Open SIRIUS project
- Participated in the European Commission stakeholder hearing on the Recommendation on piracy of live content
- Met with MEP Tang on the CSA Regulation
- Submitted position paper to the Commission's consultation on the Recommendation on piracy of live content

MARCH

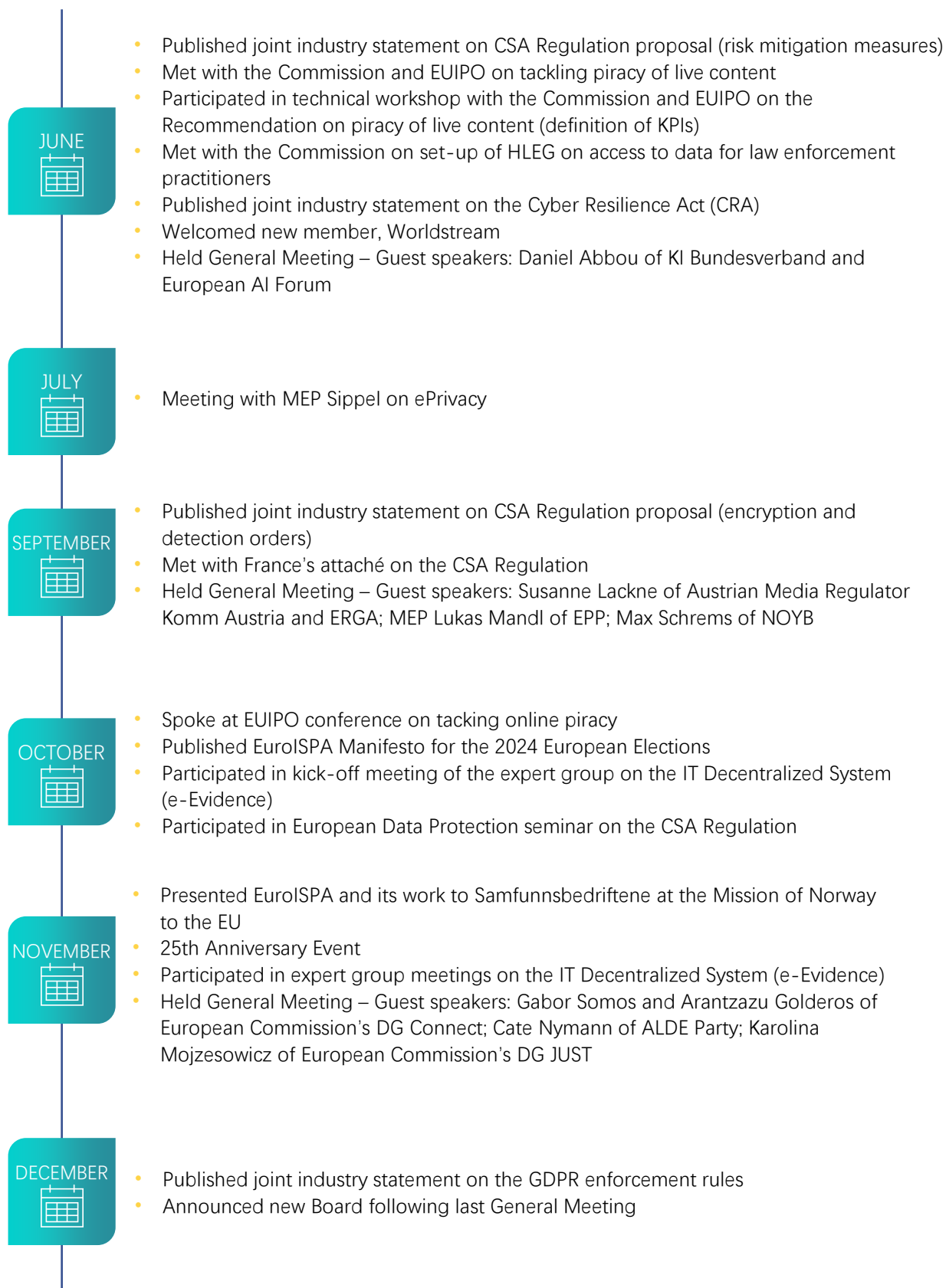- Spoke at EIF event on child safety online
- Hosted expert roundtable on privacy and encryption in terms of Child Sexual Abuse Material (CSAM)
- Held General Meeting – Guest speakers: Carlota Reyners-Fontana of European Commission's DG Connect; Christiane Kirketerp de Viron of European Commission's DG Connect; Marisa Jiménez Martín of Meta

APRIL

- Published joint industry statement on CSA Regulation proposal

JUNE

- Published joint industry statement on CSA Regulation proposal (risk mitigation measures)
- Met with the Commission and EUIPO on tackling piracy of live content
- Participated in technical workshop with the Commission and EUIPO on the Recommendation on piracy of live content (definition of KPIs)
- Met with the Commission on set-up of HLEG on access to data for law enforcement practitioners
- Published joint industry statement on the Cyber Resilience Act (CRA)
- Welcomed new member, Worldstream
- Held General Meeting – Guest speakers: Daniel Abbou of KI Bundesverband and European AI Forum

JULY

- Meeting with MEP Sippel on ePrivacy

SEPTEMBER

- Published joint industry statement on CSA Regulation proposal (encryption and detection orders)
- Met with France's attaché on the CSA Regulation
- Held General Meeting – Guest speakers: Susanne Lackne of Austrian Media Regulator Komm Austria and ERGA; MEP Lukas Mandl of EPP; Max Schrems of NOYB

OCTOBER

- Spoke at EUIPO conference on tacking online piracy
- Published EuroISPA Manifesto for the 2024 European Elections
- Participated in kick-off meeting of the expert group on the IT Decentralized System (e-Evidence)
- Participated in European Data Protection seminar on the CSA Regulation

NOVEMBER

- Presented EuroISPA and its work to Samfunnsbedriftene at the Mission of Norway to the EU
- 25th Anniversary Event
- Participated in expert group meetings on the IT Decentralized System (e-Evidence)
- Held General Meeting – Guest speakers: Gabor Somos and Arantzazu Golderos of European Commission's DG Connect; Cate Nymann of ALDE Party; Karolina Mojzesowicz of European Commission's DG JUST

DECEMBER

- Published joint industry statement on the GDPR enforcement rules
- Announced new Board following last General Meeting

2024:
WHAT´S AHEAD?

" AS EUROISPA PREPARES FOR THE EUROPEAN ELECTIONS AND THE NEW LEGISLATIVE CYCLE OF 2024-2029, WE ARE FOCUSING ON THE PRESENT WHILST GEARING UP FOR THE FUTURE MANDATE AND ITS PRIORITIES.

This means we are in full campaign mode with the EuroISPA manifesto, focusing on building out EuroISPA's network and visibility, whilst continuing our legislative work by engaging in the policy areas of relevance and showcasing EuroISPA's role as a hub of digital policy experts through our events and workshops.

Our work on the remaining policy files will carry on, as we continue to defend our position on the CSAM Regulation, to amplify our views on Piracy of live content and e-evidence, and to monitor and engage on other relevant files.

The world's largest association of Internet Service Providers

NAVIGATING THE FUTURE: REGULATORY STREAMLINING

" NAVIGATING THE FUTURE: REGULATORY STREAMLINING OF ELECTRONIC COMMUNICATIONS IN THE EUROPEAN UNION

Over the next five years, the European Union (EU) is poised to witness a transformative era in the development of electronic communications networks. This period is anticipated to be marked by a concerted effort to modernise the existing infrastructure and reduce barriers to the construction of advanced VHCN networks. The so-called GIA legislation is trying to focus on harmonisation across Member States and reduce bureaucratic procedures. The question we must ask is "Will that be enough?".

Any harmonisation effort should primarily target regulatory framework, aiming to streamline and simplify the procedures for network development. This will involve revising existing regulations and possibly introducing new ones to address the evolving landscape of electronic communications.

The goal is to eliminate unnecessary bureaucratic hurdles that currently impede progress and innovation. By doing so, the EU intends to foster an environment conducive to investment, innovation, and rapid deployment of advanced networks like 5G and beyond.

A significant part of this harmonisation will be the standardisation of technologies and protocols. This will ensure interoperability of networks and services across the EU, enhancing the user experience and promoting a more connected European digital market.

It's not just about enhancing speed and bandwidth; it's also about ensuring reliability, resilience, and security of these networks, especially in the wake of increased cyber threats.

Alongside these developments, there will be a strong emphasis on the formulation of clear and fair rules for data privacy in the digital space, especially data retention. The EU recognises the need for law enforcement agencies to access certain types of data for security purposes. However, this need must be balanced against the fundamental rights of individuals, particularly their right to privacy and data protection.

This framework will aim to provide clarity and certainty for both law enforcement agencies, telecommunication service providers and providers of information society services, as well as protect the privacy rights of EU citizens.

The future of electronic communications network development in the EU will be characterised by a drive towards harmonisation to reduce barriers for building new infrastructure and a focus on setting clear, human rights-centred rules for data protection in the digital space. These efforts will be critical to ensure that the EU remains at the forefront of digital innovation while safeguarding the rights and freedoms of its citizens.

Jaromir Novak
Partner for Regulatory Affairs, CZ.NIC

OUR POLICY FOCUS AREAS

IN ORDER TO HAVE IMPACT AND FOCUS OUR ENERGIES, EUROISPA HAS DIFFERENT COMMITTEES TO WHICH MEMBERS CONTRIBUTE THEIR EXPERTISE AND WHERE DISCUSSIONS TAKE PLACE ON SPECIFIC TOPICS.

ONLINE CONTENT
- Online content moderation
- Piracy
- Child Sexual Abuse Material
- Copyright

DATA ECONOMY
- GDPR
- AI
- ePrivacy
- Emerging Technologies

CYBERSECURITY AND INFRASTRUCTURE
- Law Enforcement
- NIS2 Directive Implementation
- Cyber Resilience Act
- Digital Connectivity

ONLINE CONTENT

EuroISPA focuses on promoting an online environment that is safe, fosters transparent practices, and has the respect of fundamental rights at its core.

EuroISPA seeks the establishment of balanced legal obligations for Internet intermediaries in all areas of the online content framework, calling for appropriate liability protection.

DATA ECONOMY

EuroISPA aims to set the right foundations for Europe to become a successful data economy, a leader on emerging technologies, while maintaining the interests and trust of users at its heart.

Strong data protection, privacy and open international data transfers are the fundamental pillars.

CYBERSECURITY & INFRASTRUCTURE

EuroISPA strives for a harmonised and resilient framework for digital security in Europe that respects encryption, values intermediaries' expertise, and strengthens the cooperation with law enforcement authorities.

All this while supporting Europe's connectivity quest to become a strong and stable gigabit society.

IN FOCUS:
ONLINE CONTENT

" COLLABORATIVE STRATEGIES IN COMBATING ONLINE PIRACY

In May 2023, the European Commission released a recommendation on combating online piracy of sports and other live events. The recommendation underlines rapid action against unauthorised streams and fosters collaboration across the Internet industry. In October, a conference co-hosted by the Commission and EUIPO spotlighted the fight against online piracy, at which Worldstream was invited due to our established measures.

In line with the recommendation, Worldstream has developed its own proactive Notice and Take Down tool. This tool empowers rightsholders to quickly block IP addresses used to distribute infringing content during live events, effectively disrupting online piracy as it happens. This tool is part of a broader strategy to foster industry-wide efforts, aligning with the Commission's plan.

However, the challenge is not just about implementing tools: real progress in combating online piracy requires industry-wide cooperation. The current efforts often feel fragmented, with each party handling issues in isolation. From intermediaries to rightsholders, everyone has a crucial role, and only through sharing knowledge and resources can we collectively stay ahead of piracy.

Creating working groups or direct communication channels might be the key to consolidating our efforts. By sharing insights, processes, and challenges, we can transform individual actions into a cohesive, industry-wide strategy against online piracy.

Wouter Van Zwieten
Chief Legal Operations Officer at Worldstream

IN FOCUS:
DATA ECONOMY

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WHAT DOES ARTIFICIAL INTELLIGENCE MEAN FOR THE INTERNET INDUSTRY, NOW AND IN THE FUTURE?

Artificial Intelligence (AI) is fundamentally changing the landscape of the Internet industry.
AI has become a cornerstone of many Internet-based services, influencing everything from search algorithms to customer service interactions. Its impact is not only transformative, but also indicative of the future trajectory of the Internet industry.

One of the most noticeable changes brought about by AI is the improvement of the user experience. From content recommendations on streaming platforms to personalised search results, AI algorithms are analysing vast amounts of user data to tailor online experiences. Not only does this keep users engaged, but it also fosters a sense of connectedness as the Internet becomes more attuned to individual preferences. This is why European copyright law must continue to be adapted to the digital age, and why excessive liability of ISPs for AI-generated content must be avoided.

AI also plays a key role in cybersecurity. As online threats become more sophisticated, AI-powered systems have become particularly adept at detecting and preventing cyberattacks. Machine learning algorithms can analyse patterns and anomalies in real time, providing robust defences to protect sensitive data and ensure the integrity of online platforms.

The Internet industry will see even more profound changes driven by AI. The emergence of advanced natural language processing and understanding is likely to revolutionise human-computer interactions. Conversational AI, chatbots and virtual assistants will become more sophisticated, enabling seamless communication between users and online platforms.

In addition, AI-driven automation will continue to streamline various aspects of the Internet industry. From content creation and curation to logistics and supply chain management, automation will optimise efficiency and reduce costs. This will not only benefit businesses, but also contribute to a faster and more responsive Internet ecosystem.

However, these advances come with certain challenges, such as ethical concerns around data privacy and the potential for job displacement. Striking a balance between innovation and the responsible use of AI will be crucial for the sustainable growth of the Internet industry. AI is a global technology with a wide range of applications, some of which are not yet foreseeable, which means that clear assessments of the opportunities and risks in certain application areas are not always possible. In this respect, the ex-ante regulation of use cases cannot address the complexity of AI and its applications and risks weakening Europe's capacity for innovation.

It is clear that the symbiotic relationship between AI and the Internet industry is reshaping the digital landscape. Challenges remain, but the future holds the promise of an Internet ecosystem that is smarter, more responsive and more attuned to the needs of its users. Embracing these changes with a thoughtful and balanced approach will be key to realising the full potential of AI in shaping the future of the European Internet industry.

Lars Steffen
Head of International, Digital Infrastructures and Resilience
at eco – Association of the Internet Industry

IN FOCUS:
CYBERSECURITY

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CYBERSECURITY IN THE EU: MILESTONES, CHALLENGES, AND THE ROAD AHEAD

The past year has brought several significant developments at EU level both in the Cybercrime and Cybersecurity field.

The adoption of the European Commission's flagship project, the e-Evidence Regulation, in the summer of 2023, was a significant milestone given the ongoing discussions on the topic since 2017. For the first time, law enforcement authorities will now be able to directly address service providers established on the territory of a different Member State. The focus will now be on the technical implementation of the Regulation in the Member States, where new challenges will be posed by the EU-wide harmonisation of the national technical platforms for the secure exchange of data between law enforcement authorities and service providers via a decentralised IT-system.

Another central topic is the importance of encryption. The initial proposal on the Regulation to combat child sexual abuse stipulated detection measures that would have significantly undermined the use of end-to-end encryption in communication services. This provoked a huge wave of criticism showing that secure communications are also important to the broader public. This response ultimately led the European Parliament to explicitly exclude end-to-end encrypted communications from the scope of the Regulation.

At EU Member State level, the implementation of the NIS-2-Directive is still ongoing and will require substantial efforts by the affected companies, especially those that have not been subject to any cybersecurity requirements until now.

On the other hand, providers of electronic communication networks and services are already under a sector-specific security regime as part of the European Electronic Communication Code. It will therefore be important that the national implementation of the NIS-2-Directive take into account the already existing security concepts in this sector and only stipulate additional measures where these would in fact lead to a higher level of security.

A political agreement on the Cyber Resilience Act has been reached, which harmonises cybersecurity standards for products and software with digital components and will also assist providers under the NIS-2-Directive to ensure supply chain security.

Finally, it must be noted that the enormous frequency of new legal acts in the field of cybersecurity in recent years poses major challenges for the companies affected by them, as their internal processes must constantly be adapted, and it is often hard to find the necessary skilled workers to implement new requirements. With this in mind, along with the new mandate coming up this year, the focus of the upcoming European Commission should be on the smooth implementation of these legal acts rather than on new proposals.

Andreas Gruber
LL.M, ISPA Austria

IN FOCUS:
INFRASTRUCTURE

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CHARTING THE CONNECTIVITY LANDSCAPE: CHALLENGES, INVESTMENTS, AND THE EU'S VISION FOR A DIGITAL FUTURE

In 2023, the challenges for the connectivity sector in Europe were dramatically highlighted. The European Commission initiated an exploratory consultation, underlining the crucial need to review the existing regulatory framework to attract more investment in infrastructure in response to the profound changes in practices and to the development of innovative technologies, which are affecting the financial balance of the ecosystem.

Very high-capacity networks capable of processing massive amounts of data are needed for the EU to remain competitive, but electronic communications operators today face growing economic pressure. Digital markets are constantly changing, and the need for investment to keep pace with these developments is exploding. For example, incoming mobile traffic in France increased 18-fold between 2012 and 2021 and is expected to further increase 6-fold by 2030. Faced with an expected deficit of nearly 200 billion euros in investments to achieve the connectivity objectives of the Digital Decade by 2030, the industry must be supported by the European Union through a proactive and ambitious policy plan, spreading the investment effort across the entire value chain to ensure the resilience of an essential infrastructure at the heart of our economy.

The Digital Network Act is expected in 2024, as announced by Internal Market Commissioner Breton, who rightly reminded that cutting-edge telecommunications infrastructure is a fundamental pillar for growth, innovation and job creation. Among the priorities there is the need to adapt the regulatory framework to reduce costs and facilitate the rapid deployment of very high-capacity networks. The Gigabit Infrastructure Act proposed by the Commission in February 2023 was a promising start, but its ambition needs to be confirmed in the ongoing negotiations.

Finally, the green transition is affecting all sectors, including connectivity. Telecom operators seek to reach sustainability goals, but the success of these initiatives requires a global commitment towards a more optimised use of networks from the digital sector as a whole.

With the upcoming EU elections, 2024 will be a crucial year to make the connectivity aspirations of the European Union a reality. The announced "connectivity package" could be an essential instrument to overcome the challenges and secure the future of the sector, ensuring the sustainability of our infrastructures for the benefit of European citizens and businesses.

Romain Bonenfant
Managing Director, Fédération Française des Télécoms

OUR MEMBERS

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THE EuroISPA COMMUNITY

Freedom Internet was born in the Netherlands from the need to have a provider that offers a personal customer service by a team of people passionate about technology and the protection of digital rights.

As a small company with a mission, we aim to make an impact in Brussels, and this is what prompted us to join EuroISPA as an Industry Forum Member. EuroISPA enables entities like ours to instantly have a seat at the table in Brussels and have our voice heard on the European stage.

EuroISPA's Members' shared knowledge and excitement about the Internet is what inspired us to be part of this community and what we appreciate the most. This is the essence of the Internet for us: a free flow of information. A place to communicate, express, share ideas and work together.

In the continuous fight to keep the Internet a free and open place, we are happy to have found an ally in EuroISPA and its members and we are looking forward to many more years of cooperation.

Bibi van Alphen
Legal and Public Affairs, Freedom Internet BV

EuroISPA
AT A GLANCE

Established in 1997, EuroISPA is the world's largest association of Internet Services Providers (ISPs), representing the interests of over 3,300 ISPs across the EU and EFTA countries. EuroISPA is a collection of trade associations and companies from across Europe who work together to find common views on the main discussions on EU digital policy. With a membership of 10 national associations of ISPs, EuroISPA is recognised as the voice of the European ISPs industry and its success lies in its reflection of the views of its members regardless of their shapes and sizes.

OUR MISSION

- To secure Europe's leading position in the Internet industry and protect and promote its interests within it.
- To help deliver the benefits of the Internet to individuals whilst meeting the legitimate concerns around the more vulnerable members of society.

- To encourage the continued development of a free and open telecommunications market, which is essential to the healthy development of the Internet.

EuroISPA BOARD

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