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New Digital Services Act Should Support Not Restrict the Internet

Amsterdam, Netherlands and Brussels, Belgium: The European Commission's upcoming Digital Services Act will be a major piece of regulation that will affect online service providers across the Internet landscape and, ultimately, the Internet itself and its billions of users.

To understand the full impact, the European Commission is holding an open consultation on the Digital Services Act that concludes on 8 September in order to collect feedback from a wide range of Internet stakeholders.

The Digital Services Act is essentially an update to the E-Commerce Directive of 2000, which provides the legal framework regulating digital services in the EU and sets out the liability regime for "information society service" providers. It will include rules about who will be responsible for taking down illegal and possibly "harmful" content, and will impact network operators, cloud and hosting providers, top-level domain registries and registrars and many of the other operators who maintain the underlying infrastructure upon which the Internet is built.

Both the RIPE NCC and CENTR have responded to the European Commission's open consultation by urging policymakers to make a distinction between the Internet's core infrastructure and operations, and the many applications and content that run on top of that infrastructure, in order to protect the core infrastructure from unnecessary and disproportionate intervention.

"Our goal is to ensure that well-intentioned policies to protect users don't unintentionally disrupt the Internet's technical operations," said Marco Hogewoning, External Relations Manager for Public Policy & Internet Governance at the RIPE NCC. "Besides the potential for

notice-and-takedowns to be abused by bad actors, any intervention at the level of naming and addressing will almost certainly result in collateral damage. So, we need to make sure that actions taken that affect the core of the Internet are only used under very strict and limited conditions and that there are protections against any malicious behaviour."

Both the RIPE NCC and CENTR encourage the European Commission to include the technical community in developing clear definitions around the scope of the new legal framework, drafting guidelines around how different types of operators and service providers should respond to takedown requests, and developing a comprehensive understanding of how different operators and layers of the Internet will be affected by the new regulation.

"Country code top-level domain registries maintain a crucial building block of the Internet infrastructure, the Domain Name System, which is essential to the provision of e-commerce, e-government and other online services." said Polina Malaja, Policy Advisor at CENTR. "The primary aim of the Digital Services Act is to tackle the dissemination of illegal content as effectively as possible. Since the Internet infrastructure layer has no effective control over content online, any revision of the current intermediary liability framework as established in the e-Commerce Directive needs to carefully assess whether extending content moderation obligations to the Internet infrastructure layer will really achieve this aim."

About the RIPE NCC
Founded in 1992, the RIPE NCC is the oldest and largest of the five Regional Internet Registries (RIRs). As a not-for-profit membership organisation, it administers Internet number resources for more than 20,000 members across 76 countries in Europe, the Middle East and parts of Central Asia. As secretariat for the RIPE community, the RIPE NCC provides neutral platforms for community interaction to develop Internet number policy and share experience and ideas.

About CENTR
CENTR is the association of European country code top-level domain (ccTLD) registries, such as .de for Germany or .si for Slovenia. CENTR currently counts 54 full and 9 associate members – together, they are responsible for over 80% of all registered domain names worldwide. The objectives of CENTR are to promote and participate in the development of high standards and best practices among ccTLD registries.

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