



Digital Services Act

European ccTLDs response

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RIPE82 Cooperation WG

Virtually everywhere

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The association for exchange, dialogue and innovation of country code domain registries in Europe

CENTR community

- 53 full members (ccTLDs), 9 associate members and 12 observers
- 50% of country code domain name registrations worldwide
- More than 75 million registrations

Member services

- Best practice and knowledge sharing
- Policy, news, statistics and industry analysis
- A voice for ccTLDs in the region and the wider internet community



Digital Services Act



- CENTR submitted its [response](#) to the public consultation (September 2020)
- [Joint statement](#) with RIPE NCC (September 2020)
- CENTR [comment](#) on the DSA proposal (March 2021)



No “one size fits all” when it comes to internet’s core infrastructure/operations and content/applications running on top of that infrastructure

Digital Services Act



- Revision of **e-Commerce Directive (2000)**
- Targets all “**digital services**”, inc. the ones not considered by the legislators in 1998-1999 -> offering “network infrastructure”
- Revision of **intermediary liability** framework (‘mere conduit’, ‘caching’, ‘hosting’)



What's in it for DNS?

Recital 27:

“[...]providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, ***including technical auxiliary functions***, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be, wireless local area networks, domain name system (DNS) services, top-level domain name registries, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services.”[emphasis added]



What's in it for DNS?

Article 2(g):

“(g) ‘illegal content’ means any information, which, in itself or *by its reference to an activity*, including the sale of products or provision of services is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;”

Article 41

Powers of Digital Services Coordinators

3(b)“[...]the infringement persists and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that Member State to **order the temporary restriction of access of recipients of the service concerned by the infringement** or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.”



Recommendations

Summary of CENTR's key recommendations:

1. CENTR calls for an explicit liability exemption for the technical auxiliary function performed by DNS service providers, in the context of the provision of neutral DNS-related services for the functioning of other intermediary services.
2. CENTR calls for a clarification in the definition of illegal content. The current definition includes the vague wording 'by its reference to'. This inclusion could affect lawful reporting activities and even hamper the provision of technical auxiliary functions and, as such, could have a crippling effect on the functioning of the internet.
3. CENTR calls for an alignment of the powers given to Digital Services Coordinators with the criminal procedural law in the respective Member States, and an obligation for Digital Services Coordinators to demonstrate due diligence before resorting to exceptional powers under the Proposal.




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