

Brussels, Belgium
16 July 2018

CENTR comments on the draft .eu Regulation

1. Introduction

CENTR is submitting the following comments on the Proposal for a Regulation of the European Parliament and of the Council on the implementation and functioning of the .eu Top Level Domain name and repealing Regulation (EC) No 733/2002 and Commission Regulation (EC) No 874/2004 ([COM\(2018\)231](#)).

CENTR is the association of European country code top-level domain (ccTLD) registries. All the ccTLDs of EU Member States (including .eu) and EEA countries are members of CENTR.

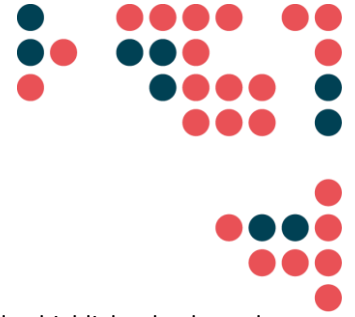
While some EU CENTR members are operated by public sector organisations, many are private companies, independent of government, and do not have sector-specific regulation. CENTR members are aware that EU legislation can influence national regulatory trends (both within and outside the EU), and therefore wishes to raise a few issues which may have an impact on CENTR members (other than the .eu TLD) if adopted by national legislators or regulators.

2. Areas of concern to CENTR members

The definition of the term “Registry” (Article 2(a)) includes the wording “[...] **and dissemination of the TLD zone files**” [emphasis added]. The language is ambiguous, and could be interpreted as compelling the registry to publish its zone file. Most ccTLDs in the CENTR community do not publish their zone files for privacy and cybersecurity reasons. The drafting of the definition should clarify that publication of the zone file is not required.

Article 4(5) states that “Where a domain name is considered by a court of a Member State to be defamatory, racist or contrary to public policy, it shall be blocked by the Registry upon notification of a court decision and shall be revoked upon notification of a final court decision. The Registry shall block from future registration those names which have been subject to such a court order as long as such order remains valid”. CENTR cautions against possible confusion between blocking a domain that is considered illegal in and of itself vs. blocking a domain because the related website includes illegal content. In the latter case, the permanent blocking of the domain is unnecessary and would prevent the use of the domain for legitimate purposes. In this context it is worth reminding that blocking or deleting a domain name has no impact on the availability of the content.

CENTR members object to provisions (Recital 16, Article 11(f)) aimed at competent authorities to have **access to registry data** for the purposes of prevention, detection and prosecution of crime without proper safeguards in place. The current drafting suggests that law enforcement authorities may have unfettered, indiscriminate access to



registration data. Any legal obligation for cooperation with competent authorities should also highlight checks and balances and limitations on such obligations.

Article 12(1) states that *“The Registry shall set up and manage a WHOIS database facility for the purpose of providing **accurate and up to date registration information** under the .eu TLD”* [emphasis added]. CENTR members are familiar with the challenges of data accuracy in the Domain Name System (DNS), where data is entered by multiple parties over which the registry has little effective control. While some registries implement before-the-fact and after-the-fact checks for data accuracy, it is not feasible for any domain name registry to commit that data in the WHOIS is 100% accurate or up-to-date. There is a risk that such a provision could set unrealistic expectations and require an unachievable level of accuracy.

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. Full membership is open to organisations, corporate bodies or individuals that operate a country code top level domain registry.