

Open letter to the European Parliament

Dear Members of the European Parliament,

We welcome the various statements by the EU to incorporate citizen's interests within the policy-making process for the Internet and we would like to draw your attention to some serious concerns we have in respect to the Telecoms Package, which is about to enter the Second Reading stage in the European Parliament.

Our concerns relate to those amendments to the Telecoms Package which affect the Internet and Internet users. We welcome the Parliament's support for users' rights in First Reading, and we urge you to build on that support to improve the texts in the Second Reading.

The Internet plays a major economic and social role, and contributes to European welfare. It is a space for cultural exchange, technological innovation, and economic activity. It empowers all citizens alike, including innovators, entrepreneurs and consumers. It enables social interaction and democratic participation. It has become an important foundation for culture, scientific research, innovation, and education.

Europe now has an opportunity to take a lead in the development of the next generation networks, and the products, services, and applications that will run on them.

We note the Council Conclusions of 27 November 2008, on Future Networks and the Internet [1] which state "that open and non-discriminatory access to the Internet should be promoted in order to ensure effective competition and an innovation-friendly environment." Indeed, the Internet has grown very fast precisely because there was no discrimination between traffic, based on content, services or applications.

European companies and operators, as well as users, have benefited greatly from this development. Open and non-discriminatory access is dependent on Internet users controlling their access to content. This means users can access any website or internet service they want, at any time, at the fastest speed they are willing to pay for. Users do not want network operators to choose for them which websites and which services and applications they can use. They want to be able to experiment with new applications and protocols without having to ask for prior permission from the network operator. And they do not want content to be blocked or restricted by the network operator.



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We are concerned that certain amendments which remain in the Telecoms Package will put those values and benefits, as well as fundamental rights such as privacy and freedom of speech, in jeopardy. We have consistently stated, and we still believe, that it carries a number of risks, namely that:

1. it will permit the filtering of content, applications and services - Universal Services Directive, Article 22(3).
2. the denial of access to on-line copyright material through attempts at enforcement, even when access is lawful, via "cooperation" between network providers and "the sectors interested in the promotion of lawful content"- Universal Service Directive, Articles 33(3), 20(1.b.1st), 21(4a); and Framework Directive, Article 8(4g).
3. the threat to user's privacy via the retention and processing of personal data for "security purposes" - E-privacy directive, Article 6(7).

We request that the amendments related to the three aforementioned risks are removed from the Package, in order that they may be given due consideration without delaying the wider objectives.

At the same time,

1. Safeguards for users against discriminatory practices, disproportionate sanctions or unfair restriction of service have been removed - Framework Directive Article 8 (4ga) and Universal Service Directive Article 32a.
2. Regulatory controls on the activities of the service providers, which would protect against discriminatory, restrictive or unfair practices, have been weakened - Universal Service Directive, Article 22(3).

We believe that those safeguards and regulatory controls should be reinstated, in order to ensure the fair treatment of users across Europe.

We recognise the critical nature of the overriding objective of the Telecoms Package, namely to complete the internal market for telecommunications in Europe.

We would warn however, that the Telecom Package amendments on filtering, cooperation and traffic processing will have in fact the effect of further distorting the internal market and most of all, compromise user's rights (which should be taken into account in defining and implementing any Community policies and activities).

We very much share the desire of the EU to promote the growth and competitiveness of the European economy, as we recognise that such growth will only be beneficial for all citizens.

However we believe that the measures to achieve that goal might not be detrimental to citizen's rights and democratic participation. We also believe that European welfare will only happen if the Internet can remain free and open and that the type of measures entailed in the Telecommunications package highlighted above will not contribute to Europe's economic objectives.



For these reasons, We request the Parliament rejects [2]:

Universal Service Directive

Article 22(3),

Article 33(3),

Article 20(1b.1st), and

Article 21 (4a).

E-privacy Directive

Article 6(7);

and we request support for [3]:

Framework Directive

Art. 8.4(ga), (Amendment 138),

Universal Service Directive

Art. 32a, (Amendment 166).

The undersigned groups and individuals represent thousands of European citizens and Internet users, in EU member states.

Within our coalition we have experts in areas relevant to the Internet and citizens' rights including filtering, network technologies, digital rights management, privacy and data protection, policy, law, media and software. We would like to assist the European Parliament in order to address the very important public policy areas related to the Internet, telecommunications, privacy and copyright, and find equitable solutions for business and for citizens.



The undersigned,

EDRi and IT-Pol.dk.- Niels Elgaard Larsen
EBLIDA.- Andrew Cranefield
ISOC-ECC.- Christopher Wilkinson
La Quadrature du Net.- Jérémie Zimmermann
ScambioEtico.- Paolo Brini
AK Vorratsdatenspeicherung.- Ralf Bendrath
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Föreningen fri kultur & programvara.- Jonas Öberg
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Center for Media and Communication Studies (CMCS).- Laura Ranca
P2P Foundation.- Celia Blanco and Michel Bauwens
eXgae.- Simona Levi
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Altroconsumo.- Marco Pierani
NNSquad Italia.- Vittorio Bertola
FoeBuD.- Florian Glatzner
Asociación de Internautas.- Víctor Domingo
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Hispalinux.-Jorge Fuentes
EFFI. - Tapani Tarvainen

References:

- [1] Council Conclusions on future networks and the internet 2907th TRANSPORT, TELECOMMUNICATIONS and ENERGY Council meeting Brussels, 27 November 2008
- [2] Articles refer to the Council Common position adopted on 16 February 2009
Article 22(3) **Universal Service Directive** (DIRECTIVE 2002/22/EC)
Article 33(3); Article 20(1.b.1); Article 21 (4a) **Universal Service Directive**, (DIRECTIVE 2002/22/EC)
Article 6(7) **E-privacy Directive**, (Directive 2002/58/EC)
- [3] Amendments refer to European Parliament Text as Adopted, of 24 September 2008
Amendment 138 **Framework Directive**, (DIRECTIVE 2002/21/EC) Art. 8.4g(a)
Amendment 166 **Universal Service Directive** (DIRECTIVE 2002/22/EC) Art. 32.a

