Statement by Viviane Reding, Vice-President of the European Commission and EU Commissioner for Justice, Fundamental Rights and Citizenship, on freedom of expression and information via the Internet, attempts to block websites, "three-strikes-laws", and ACTA

1. For the European Union, freedom of expression and freedom of information, regardless by which technological means and regardless of frontiers, are fundamental rights. They are enshrined in the EU's Charter of Fundamental Rights[1], which takes precedence over all EU legislation, including international agreements concluded by the EU. **The European Union therefore stands for a freely accessible Internet and for freedom of expression and freedom of information via the Internet.**

2. Intellectual property is also a fundamental right recognised by the EU's Charter of Fundamental Rights.[2] It ensures that artistic creations by authors are protected. However, this is not an absolute fundamental right. European policy therefore should aim at mutually balancing the respect for both fundamental rights, without calling into question their essence. Freedom of information and intellectual property rights must not be enemies; they should be partners!

3. Copyright protection can never be a justification for eliminating freedom of expression or freedom of information. **That is why for me, blocking the Internet is never an option.** Instead, we need to find new, more modern and more effective ways in Europe to protect artistic creations that take account of technological developments and the freedoms of the Internet. The promotion of legal offers, including across borders, should become a priority for policy-makers.

4. This is a position that I have previously defended in the debate on the EU Telecoms Package in 2009. Some politicians wanted to include in this legislation provisions that would have authorised a "three-strikes solution" to protect copyright. I opposed this at the time. In spite of significant political pressure[3], I instead supported – in the name of the European Commission and in close alliance with the European Parliament – the inclusion of an **"Internet freedom provision"** in the final text of this legislation.[4] This "Internet freedom provision" represents a great victory

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1 Article 11(1) of the EU Charter of Fundamental Rights.

2 Article 17 (2) of the EU Charter of Fundamental Rights.

3 See the reports at http://www.edri.org/book/export/html/1603; and at http://www.ecrans.fr/Riposte-graduee-Barroso-dit-non-a,5348.html;

4 See " Commission position on Amendment 138 adopted by the European Parliament in plenary vote on 24 September", http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/681; and

for the rights and freedoms of European citizens. Under this provision, "three-strikes laws", which could cut off Internet access without a prior fair and impartial procedure or without effective and timely judicial review, will certainly not become part of European law.

5. This situation can and must not be changed by the ACTA agreement, which has been negotiated, as regards criminal enforcement measures, by the rotating EU Council Presidency and is currently under public discussion in the European Parliament and in the national parliaments of the EU Member States. As I said, I am against all attempts to block Internet websites. Even though the text of the ACTA agreement does not provide for new rules compared to today's legal situation in Europe, I understand that many people are worried about how ACTA would be implemented. **The European Commission has therefore decided today to ask the European Court of Justice for a legal opinion to clarify that the ACTA agreement and its implementation must be fully compatible with freedom of expression and freedom of the Internet.**

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http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/491&format=HTML&aged=1&language=EN&guiLanguage=fr