



PRESS RELEASE

EUROPEAN ISPs FEAR THAT INTERNATIONAL TRADE AGREEMENT CUTS EU CITIZENS' INTERNET PROTECTION

EuroISPA, the European Association of European Internet Service Providers (ISPs), fears that negotiators in the **Anti-Counterfeiting Trade Agreement (ACTA)** are going too far. The most recent leaks indicate that the measures under discussion would threaten fundamental rights, damage the European internet sector and put the openness of the Internet at risk.

EuroISPA calls again on European institutions to ensure that no measures could be proposed that could lead to graduated response, criminal sanctions, US-style notice and take down and, indirectly, generalised monitoring of Internet traffic and services.

Creating liability for intermediaries goes against the E-Commerce Directive. Failures to respect this approach undermines legal certainty for Internet intermediaries and puts in danger consumers' fundamental rights such as privacy and freedom of expression whilst spoiling innovation and distorting competition.

Malcolm Hutty, President of EuroISPA, argues that "EuroISPA is concerned that the lack of transparency in negotiations is allowing neither the European Parliament nor stakeholders to enter the debate. This is a serious concern considering the crucial role played by the Internet for the development of the whole Internet industry, consumers and citizens".

The European Commission made reassurances that ACTA would not undermine the EU *acquis*. In passing the Telecoms Package last year, the European Parliament forced the Council to accept new guarantees for the presumption of innocence and the right to a fair hearing before measures are taken against Internet users. EuroISPA calls on the Parliament to be consistent with this position and to work in order to see these guarantees fully respected in ACTA.

Background

The Anti-Counterfeiting Trade Agreement is being negotiated between the EU and a number of other countries including the United States, Mexico, Korea and Japan, ostensibly in order to tackle the trade of counterfeit goods and copyright infringements. The latest in a series of leaks from this secret process suggests that, in order to avoid or limit liability, ISPs may have no alternative other than to monitor consumers' Internet traffic, a policy which has recently been considered disproportionate and unnecessary by the European Data Protection Supervisor (EDPS). EuroISPA has repeatedly remarked that such procedures are inappropriate in a democratic system and in some cases fall outside the corpus of EU laws (*acquis communautaire*), for example when criminal measures are proposed.

Notes to Editors:

EuroISPA is the world's largest association of Internet Service Providers (ISPs), representing the interests of over 1700 ISPs across Europe. With a Secretariat in Brussels, EuroISPA is a major voice of the Internet industry on information society subjects such as cybercrime, data protection, e-commerce regulation, EU telecommunications law and safe use of the Internet. Further information about the organisation (including its composition, aims and position papers) are available from its website: <http://www.euroispa.org>.

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