

**Amendment 166**

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on behalf of the GUE/NGL Group

**Report****A6-0318/2008****Malcolm Harbour**

Electronic communications networks and services, protection of privacy and consumer protection

COM(2007)0698 – C6-0420/2007 – 2007/0248(COD)

**Proposal for a directive – amending act****Article 1 - point 19 a (new)**

Directive 2002/22/EC

Article 32 a (new)

*Text proposed by the Commission*

*Amendment*

***The following Article 32a shall be added:***

***"Article 32a***

***Access to content, services and applications***

***Member States shall ensure that any restrictions to users' rights to access content, services and applications, if they are necessary, shall be implemented by appropriate measures, in accordance with the principles of proportionality, effectiveness and dissuasiveness. These measures shall not have the effect of hindering the development of the information society, in compliance with Directive 2000/31/EC, and shall not conflict with citizens' fundamental rights, including the right to privacy and the right to due process."***

Or. en

*Justification*

*Any general mandate to allow for the monitoring and/or filtering of electronic communications goes counter existing European legislation, which expressly excludes any general obligation to monitor the networks (Directive 2000/31/EC on Electronic commerce, article 15). The pursuing of illegal activities, which could be brought as a justification to correct users access of content, shall be duly balanced with the principle of protection of*

*privacy, and more particularly with the principle of protection of personal data (Directive 95/46/EC, Directive 2002/58/EC). Any procedure undertaken towards individuals suspected of illegal activity on the Internet should be subject to judicial scrutiny, so that the right of due process is duly respected. The respect of citizens fundamental rights and of the European law acquis on electronic commerce and on users e-privacy shall be considered as core elements to encourage the social, economic and technological growth and innovation within the information society. The development of the information society is profoundly rooted in the Internet's end-to-end nature and architecture, which itself needs to be safe-guarded and recognised as the engine of innovation it has proven to be.*