



PRESS RELEASE

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MEPs Lambrinidis and Castex call on Commission to explain reported “secret talks” on copyright enforcement

“If true, such talks could lead to the imposition, through the back door, of a ‘Hadopi-type’ regime throughout Europe, and what’s worse, to do so with the Commission’s imprimatur,” stated the two MEPs

Socialist & Democrat MEPs **Stavros Lambrinidis** (Greece) and **Francoise Castex** (France) submitted today an urgent written question to the Commission to seek explanations on reports that the Commission is holding “secret talks” on matters relating to intellectual property rights enforcement on the internet. The undisclosed talks have apparently been taking place since mid-2010 between the Commission, IPR, and ISP (internet service provider) industry representatives, and have excluded civil society, EU privacy watchdogs, and the European Parliament.

According to the leaked information, the Commission is engaged in facilitating the negotiation of a Memorandum of Understanding (“MoU”) that could essentially require ISPs to monitor daily internet activity of their customers and notify them and the IPR holders of alleged copyright infringements that could possibly involve disconnection. The other half of the agenda for the talks is apparently the review of the IPR Enforcement directive (IPRED), raising serious questions concerning the preferential access potentially accorded to industry representatives in these talks as well.

The talks are said to be taking place in DG MARKT, with a selected list of invitees. As the consumers' group BEUC was apparently invited but refused the terms of attendance, the talks are comprised exclusively of industry representatives, without civil society participation. Furthermore, despite the obvious data protection implications that such an agreement could have on European citizens, it appears that neither the European Parliament nor data protection supervisory authorities like the EDPS were ever invited to such discussions.

According to a statement released by Mr. **Lambrinidis** and Ms. **Castex**, *“These talks, if true, could well lead to the back-door imposition of a ‘hadopi-type’ regime throughout Europe, with the Commission’s imprimatur, and without any prior legal scrutiny and preconditions. It is indeed very curious that the Commission apparently decided to hold such talks without involving elected representatives of the European Parliament, Data Protection Supervisory Authorities, civil society or anybody else who might bring to the discussions differing points of view. The Commission must explain under which authority it acts as a facilitator for such secret talks and for the negotiation of such an MoU between private parties, under its auspices”.*

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