



Brussels, septembre 11, 2018

Subject: Copyright Directive, vote on the 12th of September

Dear Member of the European Parliament,

On the 12th of September, the European Parliament plenary session is scheduled to adopt a position on the Copyright Directive. We, Belgian civil society organizations, are writing in order to alert you on a number of problems related to the draft directive. More specifically, its article 13, as proposed in the texts of MEPs Voss and Cavada, calls for unrealistic measures which, if implemented, would be ineffective and dangerous because they would coerce a vast amount of Internet companies into monitoring and filtering the communications of Internet users in Europe.

- Automatic filters jeopardise the right to privacy, since such filters would require full monitoring of all on-line communications.
- Automatic filters impede the freedom of expression of individuals: all previous attempts have proven ineffective and invariably resulted in blind censorship, without fair appeal processes, of original cultural creations, creations within the spectrum of exceptions to copyright, political or cultural minority opinions...
- Automatic filters will consolidate the monopolies of Internet giants (Google, Facebook, etc.) because they already have filtering infrastructures – dysfunctional if any. Small European companies and startups will be the only ones to struggle with the new costs of developing and/or setting up an infrastructure. Costs to which the legal uncertainty will be added.
- Once the filtering infrastructure is in place for infringements of copyright, it will be trivial to extend this censorship mechanism to all kinds of “unwelcome” communications regardless of their nature (political, cultural...).
- Finally, even if they were acceptable from the freedom of expression and privacy perspective, this is a headlong rush, a new wave of "technological solutionism" which consists in brandishing technologies (which do not exist in this case) as a silver bullet to solve problems that require serious thought and profound changes in society as a whole.

We believe that the priority of European legislators should be the respect of the rights and freedoms of European citizens – as enshrined in the Charter of Fundamental Rights – and the continued balance with the rights of all creators. On the other hand, emphasis should be placed on strengthening the European economy and culture, which the text clearly fails to achieve.

These and other arguments have been raised in various appeals by the UN special Rapporteur on freedom of opinion and expression; 57 NGOs for the defense of human rights; over 500 libraries, universities, scholars...; More than 13 500 programmers and developers of open source software; 25 independent legal, economic and social research centers; The Max Planck Institute for Innovation and Competition; 56 Renowned academics who co-signed a recommendation on article 13; 22 Startups and online services with a considerable amount of users in the EU; And finally, the European Parliament's research center, which has raised awareness about the risks associated with automatic filters.

We therefore urge you to vote in favour of the amendment on Article 13 tabled by the IMCO Committee which would remove the automatic filtering aspect of the draft directive.

Yours sincerely,

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Cassiopea asbl/vzw
Creative Commons Belgium
Datapanik asbl/vzw
Domaine Public asbl/vzw
Liga voor Mensenrechten asbl/vzw
Net Users' Rights Protection Association (NURPA) asbl/vzw
Neutrinet asbl/vzw
nubo
Open Knowledge Belgium asbl/vzw
Petites Singularités asbl/vzw
Samedies.be
Tactic asbl/vzw

References

“Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression”, 2018-06-13,

<https://www.ohchr.org/Documents/Issues/Opinion/Legislation/OL-OTH-41-2018.pdf>

“70+ Internet luminaries ring the alarm on EU copyright filtering proposal”, 2018-06-12,

<https://www.eff.org/deeplinks/2018/06/internet-luminaries-ring-alarm-eu-copyright-filtering-proposal>

“The recommendation on measures to safeguard fundamental rights and the open Internet in the framework of the EU copyright reform”, 2017-10-20, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3054967

“European copyright reform :impact on free and open source software and developer communities”, 13 500+ signatories, <https://savecodeshare.eu/>

“Open letter in light of the competitiveness council on 30 november 2017”, 80+ signatories, 2017-11-30, <http://copybuzz.com/wp-content/uploads/2017/11/open-letter-compet-council-30-nov-online.pdf>

“Article 13 open letter – monitoring and filtering of Internet content is unacceptable”, 57 signatories, 2017-10-16, <https://www.liberties.eu/en/news/delete-article-thirteen-open-letter/13194>

“International coalition joins together to halt potentially harmful copyright reform”, 500+signatories, 2018-02-27, <https://sparceurope.org/copyrightreform/>

“Letter regarding the proposal for a directive of the European Parliament and of the Council on copyright in the digital single market”, 22 signatories, 2017-04-05, http://www.innovatorsact.eu/wp-content/uploads/2017/04/startuplettercomodini_542017.pdf

“CCIA-EDiMA joint-letter on article 13 of the copyright proposal”, 2017-12-11, <http://edima-eu.org/library/ccia-edima-joint-letter-on-article-13-of-the-copyright-proposal/>

“The copyright directive is failing, open letter to members of the European Parliament and the Council of the European Union”, 25 signatories, 2018-04-26, https://www.create.ac.uk/wp-content/uploads/2018/04/openletter_eu_copyright_research_centres_26_04_2018.pdf

“Members’ voice: why should publishers worry about Article 13 of the copyright reform?”, 2017-11-18, <http://mediapublishers.eu/2017/11/18/members-voice-why-should-publishers-worry-about-article-13-of-the-copyright-reform/>

“Position statement of the Max Planck institute for innovation and competition on the proposed modernisation of European copyright rules”, 2017-03-01, https://www.ip.mpg.de/fileadmin/ipmpg/content/stellungnahmen/mpi_position_statement_part_g_in_cl_annex-2017_03_01.pdf

“Modernisation of EU copyright rules”, 2016-12, http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/593799/EPRS_BRI%282016%29593799_EN.pdf