



GUY BONO
DÉPUTÉ EUROPÉEN

Brussels, November 25th 2008

Subject: Amendment 138

Dear Minister,

You will be examining the project reforming electronic communications, at the EU Council on November 27th.

We want to draw your attention to the amendment we tabled on this telecoms package, that was voted by more than 88% of the MEPs on September 24th 2008 (Amendment 138). This amendment states that "*no restriction may be imposed on the rights and freedoms of end-users without a prior ruling by the judicial authorities*".

Following this vote, Nicolas Sarkozy, current president of the EU Council ordered the European Commission to withdraw it. Fortunately, the EC pronounced itself in favor of amendment 138, considering it "*recalled legal principles inherent in the legal order of the European Union, especially of citizens' fundamental rights*".

We urge you to resist as well to the French presidency's diktat. Electronic communications reform is a very sensitive topic, because of its broad impact on millions of people. To this end, the Council must consider that citizens, consumers and internet users broadly support amendment 138.

Nine months before the European elections, a simple deletion of this amendment acclaimed by a wide majority of elected representatives would give an appalling image of European democracy in general, and of the Council in particular.

We therefore solemnly urge you to respect the will of the people by maintaining amendment 138 as it is.

Sincerely,

Guy Bono MEP

Daniel Cohn Bendit MEP