

Dear colleagues,

We wanted to give you a report on the results of the Telecoms Package vote from yesterday afternoon. This wide ranging reform has occupied us for nearly 2 years. It will update the existing legal framework, encourage investment in new services, open up opportunities for spectrum exploitation, enhance users' rights and improve data privacy. Parliament also competitively redesigned the co-operation mechanisms between European regulators.

Overall, the reform package promises major benefits for European citizens, the European economy and European technology suppliers. However, I regret to tell you that as a result of the adoption of one amendment yesterday, as opposed to a compromise amendment agreed with Council, the whole package will go into conciliation. The benefits will therefore be delayed for at least 6 months.

What issue has been considered so important that Parliament has forced this delay? It is an issue that is unconnected with any of the main changes in the telecoms package - the proposed copyright enforcement laws in France. Parliament voted on an amendment that would require a prior decision by a judge before an internet connection is disconnected.

This amendment (Variously described as Am. 138 or 46 by internet lobbyists) was rejected by Council on the grounds that any decision on internet service disconnection is the responsibility of Member States, under their legal system. Many member Governments rejected the ambitions of Parliament to impose conditions under which they applied their criminal or civil law.

A compromise amendment, proposed by the Rapporteur, took an alternative approach by clearly linking the restrictions on internet access to the rights of citizens under the European Convention on Human Rights and Fundamental Freedoms. The amendment cites the right to access to an independent tribunal as a further aspect that Member States must accept.

The placing of the compromise in the opening article of the Directive and its more broadly drafted wording meant that it was a better amendment than the one adopted! Both texts are shown in the attachment to this note with an explanatory statement. You are invited to examine them and make your own conclusions.

In the view of your rapporteurs and shadow rapporteurs, the compromise proposal was a major advance in the Council's position, and was positioned in the opening paragraphs of the Directive. We strongly recommended the Group to support it.

In the event, the PSE and ALDE, despite signing and supporting the Compromise, voted for the alternative amendments. ALDE supported the trialogue text until Tuesday night where at the Group meeting the shadow rapporteur (Toia) was defeated. Due to Alvaro pressure, the position of the ALDE Group changed withdrawing the support to compromise amendments.

They were ended by a determined campaign to change the order of the voting list, decided by the ALDE Vice President Diana Wallis, who presided over the session. This requires our whip to be changed to an abstention to avoid the possibility that this amendment would get the 393 votes needed for a qualified majority. The PSE was more divided than the rapporteur was expecting. The Group did not back the rapporteur on the question of amendment 138, which explains why the rapporteur defended so weakly to keep the order of the voting list.

The known amendment 138 has been adopted by 407 in favour, 57 against and 171 abstentions. Requiring a qualified majority of members (393) under the rule of article 81, the text has therefore been adopted by a difference of 14 members. The Group position was to abstain based on the argument that although we could agree on the content of the text, this adoption would mean the collapse of the Telecom Package, which our Group was strongly opposed to.

Out of the 407 received votes, it was assisted by 35 members of our Group who voted in favour.

The package will now be delayed for many months, and may not be concluded until November. The Universal Services and User's Rights package, and the new Regulatory Body, were approved by large majorities.

They may become law earlier, but the fact remains that the European economy will be damaged and consumers interests affected.

In our view, this is a very high price to pay for an issue that is not way central to the proposal, and where a very good compromise was available.

Yours sincerely,

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