



Paris, February 10th, 2010

Dear Commissioner Reding,

We first would like to congratulate you on your confirmation as Vice President of the European Commission and Commissioner designate Justice, Fundamental Rights and Citizenship. We welcome all the more your nomination to this new position considering your strong record of protecting Internet users' rights during your previous mandate as Commissioner for the Information Society and Media.

In June 2009, in its decision against the French HADOPI law implementing “three strikes” policy against file-sharing, the French Constitutional Council found that “*in the current state of the means of communication and given the generalized development of public online communication services and the importance of the latter for the participation in democracy and the expression of ideas and opinions, [freedom of expression] implies freedom to access such services*”.

During the heated debate over the Telecoms package's “amendment 138”, you have courageously sided with the vast majority of the Members of the European Parliament to defend the principle that “*no restriction may be imposed on the fundamental rights and freedoms of end-users, without a prior ruling by the judicial authorities.*” Even though “amendment 138” was eventually replaced by a weaker provision, we know that you understand that **the free access to the Internet has become a condition for the exercise of fundamental freedoms**. Your new position allows you to push for the full recognition of this fundamental principle.

Restrictions to a free Internet access equate to a deprivation of fundamental freedom. This means that any such restrictions represent very severe measures, which should carry the most important safeguards, except in cases of compelling public interest motives. A prior ruling by the judiciary is therefore necessary to ensure that the restrictions are proportionate and legitimate, which is extremely complex to establish in the case of online activities. Considering the fundamental rights at stake -- including the protection of privacy -- **it is indispensable that the judiciary authority be the only one entitled to order restrictions to individual's Internet access**, after a due process.

Given your understanding of the the technical complexity of the online world, we feel reassured that the rights and freedoms of all will have a strong supporter in the new European Commission.

Sincerely,

Philippe Aigrain, Gérald Sédrati-Dinet, Benjamin Sonntag, Jérémie Zimmermann
Co-founders of citizen advocacy group La Quadrature du Net