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French Anti-Piracy Proposal Undermines E.U. Telecommunications Overhaul

By KEVIN J. O'BRIEN
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BERLIN — The European Parliament on Wednesday rejected a long-planned revision of the Continent's telecommunications laws because of a controversial provision to punish Internet pirates.

In Strasbourg, the Parliament's lower house, by a vote of 404 to 56, passed an amendment to the telecommunications package making it illegal for any E.U. country to sever Internet service unless a citizen is found guilty in court, effectively blocking the broad revision.

The amendment was intended as a rebuff to a proposal before the French National Assembly that would allow a government agency to sever Internet service based on industry complaints.

France had lobbied heavily for the provision in the hope that the Parliament's support would forestall legal challenges to its plan.

"The Parliament has taken a stand against the arbitrary cut-off of Internet service to E.U. citizens," said Alexander Alvaro, a German lawmaker from Bonn. "This is something we simply cannot allow to happen in Europe, allowing punishment to be assessed before a trial takes place."

The vote undermined a compromise agreed to by the major political parties, the European Commission and Council of Ministers that would have supported the French proposal. At the same time, it imperiled an E.U. telecommunications package two years in the making, one that was headed for Parliament's approval before France pressed for the inclusion of the main tenet of its own piracy proposal.

The plan would have created the first Europe-wide telecommunications regulator, while also giving national regulators the power to improve competition in the industry and promoting the development of mobile broadband.

Unless Parliament and the Council of Ministers, which includes representative of the 27 E.U. states, can reach agreement within the next three weeks, a vote on the package is likely to be pushed back at least until the autumn. By then, a new European Parliament

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will be seated, following an election early next month.

For supporters, opposition to the French plan, which would cut off service to Internet pirates after two warnings, was an unexpected obstacle. After the vote, Viviane Reding, the E.U. telecommunications commissioner, urged the ministers' council to fall into line with Parliament.

"I call on the Council of Ministers to assess the situation very carefully, also in the light of the importance of the telecoms reform for the sector and for the recovery of our European economy," Ms. Reding said.

If the council does not, months of negotiation are likely to follow. An E.U. negotiator in the Council of Ministers, who did not want to be identified because he was not authorized to speak for the group, said it was unclear whether the upper chamber would move quickly to end the impasse or accede to Parliament. Council negotiators had no plans to discuss the issue late Wednesday, he said. The group is next set to meet on June 12.

"Technically speaking, we have up to four months to give our answer to Parliament," the negotiator said. He added there could be an attempt to separate the controversial language regarding the French plan from the package, but the negotiator said such a maneuver was unusual and could be legally difficult to defend.

Under the French plan, consumers accused of violating copyright laws would have to hire an attorney to challenge the termination of service in French court. The country's music and film industries, which backed the proposal, had planned to hire investigators trained at analyzing individual Internet downloads to identify and report violators.

The plan, called Cr ation et Internet and known informally as the Three Strikes law, and backed by the government of President Nicolas Sarkozy, has already been rejected once by the National Assembly, in a vote last month.

Now, given the opposition from European lawmakers, its future is in doubt, said J r mie Zimmermann, the director of La Quadrature du Net, an advocacy group based in Paris opposed to the plan.

"This is a clear statement from European lawmakers that they consider access to the Internet to be a fundamental right in today's society," Mr. Zimmermann said.

The French proposal is also opposed by the world's largest software makers, including Microsoft, SAP and I.B.M., which fear the law would enable judges to mandate that their products work with state-ordered anti-piracy software envisioned to be installed on all computers.

"The legal precedent that would be set — that one is penalized before being tried — is a troubling statement," said Francisco Mingorance, the European policy director in Brussels for The Business Software Alliance, which represents software makers.

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