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The Director

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Dr Solomon Passy  
The Atlantic Club of Bulgaria  
President and Founder

Mrs Gergana Passy  
Pan-European Movement in  
Bulgaria  
President

49, Bulgaria Blvd., 5th floor  
Sofia 1404, Bulgaria

Dear Dr and Mrs Passy,

I refer to your open letter of 20 June 2011 on "Access to Internet on EU territory – the Fifth Freedom and Fundamental Human Right" addressed to Vice-President Neelie Kroes, Vice-President Viviane Reding and Commissioner John Dalli, which was forwarded to us by the Commission's Permanent Representation in Bulgaria on 6 July 2011, and to which Vice-President Kroes has asked me to respond.

I fully share your appreciation of the importance of Internet access, in the modern digital world, as a tool to enable citizens to exercise their fundamental right to freedom of opinion and expression, as enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms as well as the International Covenant on Civil and Political Rights. This was indeed made clear in the UN Special Rapporteur's Report of 16 May 2011 *On the Promotion and Protection of the Right to Freedom of Opinion and Expression*<sup>1</sup>.

I also share the concerns expressed in that report over the actions of some governments in restricting or blocking access to the Internet. In this regard it is worth recalling that the EU regulatory framework for electronic communications explicitly requires that any measures by Member States regarding end-users' access to, or use of, services and applications through electronic communications networks which are liable to restrict fundamental rights or freedoms may only be imposed if they are appropriate, proportionate and necessary within a democratic society. Furthermore, any such measures must be subject to adequate procedural safeguards, including effective judicial protection

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<sup>1</sup> I note, however, that the Report does not go as far as recommending that access to the Internet be made a fundamental right in itself.