

WRITTEN QUESTION E-2843/07
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to the Commission

Subject: Bulgarian authorities' actions against website administrators and Internet Service Providers

In August 2006 a prosecutor from the Bulgarian Supreme Prosecutor's Office of Cassation requested that all Internet Service Providers and websites in the country remove their torrent trackers. Many complied with the request under threats by the police that their equipment would be seized and their business disrupted. Others resisted, citing their constitutional rights of free speech and private exchange of information.

In March 2007, heavily armed police forces raided the offices of Internet Service Provider 'Linkos', former owner of zamunda.net. The ISP was blackmailed to shut down a website over which it has no legal control or have all of its equipment seized. At the same time the home of the administrator of arenabg.com was raided as well and he was asked to shut down the website or be detained for 72 hours. Upon his refusal he was arrested and then freed after 48 hours, when the court dismissed all charges against him. Consequently, the police issued an unprecedented order to all Bulgarian ISPs to block their customers from accessing arenabg.com, thus establishing a de facto censorship.

Following these events, Roumen Petkov, the Bulgarian Minister of Interior, addressed the National Assembly, on 30 March 2007, where he justified the actions of his ministry on the grounds of a 'dilemma' it had faced - the country had the choice to either 'remain a part of the European family', or to act in an 'expedient manner, which would result in Bulgaria's exiting the European family'.

Could the Commission clarify if administrating and providing access to websites that host torrent trackers is a hindrance to Bulgaria's membership of the 'European family', and if the actions of the Ministry of Interior comply with EU legislation and the fundamental rights and freedoms of EU citizens?

Is the Commission aware of any 'pressure' on Bulgaria from a European institution, which would justify the abovementioned excessive measures by the Ministry of Interior?

Is it in accordance with EU legislation to: a) require ISPs to block their customers from accessing certain content? b) hold website administrators legally responsible for content posted by end-users on a website under their management?