

**The Republic of Bulgaria**

**Position Paper on a Charter of Digital Fundamental Rights of the European Union**

1. **Introduction**

There are several reasons for the Bulgarian delegation to defend the interests of its citizens when it comes to freedom in the modern digital world. First of all, the access to the Internet and the digital world as a whole has been significantly simplified in Bulgaria throughout the past decade what is reflected by one of the fastest Internet connections in the world. Another reason for the importance of the rights of the Bulgarian users in the digital world is the fact that many people nowadays rely on the Web and their safe access to it because they need it in their day-to-day activities. Closing, the importance of technical nostalgia, caused by the first computer being made by the Bulgarian *John Atanassoff*, is expressed in the mentality of the Bulgarian citizens and their requirements regarding control, safety and freedom in the digital space.

The access to information is one of the main factors for the cultural, social and economical development in the whole human history. For centuries the gathering, manipulation and secrecy of information have been used mostly as tools for gaining and securing power. The telecommunication and information technologies, especially the Internet, changed that through unveiling the access to information and the development of fast, easy and mass communication channels that are available to everyone.

On the one hand, a whole new world has been built as a result of this so-called digital revolution, which lets others create, use and offer the achievements of culture, arts, science and all other spheres of the human work and knowledge from all around the world.

On the other hand, the easy access to information involves the cumulating of a huge amount of data, concerning the lifestyle, habits, tastes of each and every user, including all personal data, any kind of online correspondence or bank accounts. This information can be used for marketing strategies, control and/or stalking, censorship, cybercrimes and many other acts which can violate the human rights. This applies not only to malicious crime groups, but also to local and transatlantic corporations, government agencies or national and international authorities.

1. **Review and Proposal**

That’s why we’re fighting against the misusing and violating of the human rights and thus defending the primal principles of the democracy. To guarantee a free, independent and safe digital world is an inevitable premise for achieving both purposes. That’s why we appeal to the other member states to seriously consider the following measures while discussing a Charter of digital rights:

**1. Guaranteeing more transparency and easier access to documents.**

We’re supporting proposals which aim to assure the transparency and increase it to a maximum level while giving an opportunity to the people to participate in the legislation process of the EU through a better access to documents in any European language. We’re also supporting measures which benefit the access of the people to government data. In order to do so we suggest to extend the requirements of Article 9 and its scope of protection when it comes to transparency.

**2. Leaving the personal life data unviolated.**

We require that one of the main human rights - that of private life - remains invulnerable. This includes the opportunity of deciding if and how our personal data is being used. Needless to say, that the transparency and safety of the use and treatment are insisted. That`s why we suggest that Article 11 clearly defines the boundaries of the collection and use of personal information which would also allow the users to take clear decisions on sharing their private sphere online.

**3. Guaranteeing unlimited access to Internet and online services.**

Any registration or other generally restrictive requirements which concern the access to Internet content and services have to be omitted in the Charter. More legal measures that guarantee the digital neutrality and liberalization and the effective competition are necessary. One of these measures is Article 15. While we think that the Article is well defined and structured, we insist on its placement as a central right in the Charter.

**4. Defining the copyright and its boundaries.**

Another right which has to be guaranteed within the Charter is the copyright, including its limits. The main goal of this measure would be to make the (re-)use and distribution of works of other authors easier and more accessible not only for the private individual, but for NGOs and public institutions as well. We believe that the absence of such an important right in the Charter is an act of negligence against the citizens of Europe who rely on clear definitions of the copyright. Therefore, a corresponding right should definitely be added to the Charter.

**5. Avoiding the unsubstantiated monitoring, surveillance or supervision.**

Such measures which concern the storage of personal messages or the observation of online activity without a reason should also be denied. To a greater degree, online anonymity and cryptic, which leave the personal sphere unimpeachable, should be endorsed in general. Furthermore, measures or initiatives that allow the Internet providers or other organizations to control or sanction the suspected online infringements should only be necessary, when those measures or initiatives serve to prevent a suspected infringement that could be a danger for the digital user within a short matter of time. Article 6 is too imprecise for this use and should be further specified and substantiated.

**6. Guaranteeing freedom of speech.**

Another essential digital right is the freedom of speech. Therefore, censorship or import and export of technologies that serve the surveillance or censorship within the borders of the European Union have to be banned. This would secure the professional and private life of journalists, activists and citizens of the Union. Article 5 sticks to those demands and makes sure that the freedom of speech will always be secured as one of the fundamental rights of humanity.

**7. Respecting the principle of equality.**

Corporate or government agencies which try to take the control over the Internet should not have a general access to the personal data of the user. In fact, the citizens of the Union should be involved in all the coordinating of digital resources and standards which concerns mostly their names, numbers or addresses. Article 3 has to take care of this issue and guarantee that equality is a main principle of the modern digital world. The people should also have the right to be part of representative societies of the citizens of the EU which can take part in forums with all the interested parties.

**8. Endorsement of free software and open-source-code software.**

Free software, Open Source Contents and Open-source-code software should be financed by the member states, their public institutions and the Union itself. This would significantly widen the specter of digital rights of the user and support the development of the digital world. We believe that there has to be a place in the Charter for this endorsement that can be seen as an investment in our infrastructural future.

1. **Conclusion**

All in all, we support the idea of a Charter of Digital Fundamental Rights in the name of the Bulgarian citizens. However, we criticize that some rights are too imprecise while others are already established in other acts of the Union and don`t necessarily belong into the Charter. Changes are therefore definitely needed, but Bulgaria is willing to participate in the modeling of the Charter as an act for our future.

***Representing the Republic of Bulgaria***

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