



Net Neutrality Vote In EU Parliament: You Must Protect the Internet!

SUPPORT AMENDMENTS 234 TO 244

Dear Member of the European Parliament,

Tomorrow morning you have the opportunity to enshrine Net Neutrality in EU law. The positive amendments tabled by S&D, Greens, GUE/NGL and ALDE (amendments 237 to 244) must be adopted. This is the only way to effectively enact Net Neutrality, ensure non-discrimination in the digital economy and safeguard the ability of telecom operators to launch innovative “specialised services”. It will also guarantee that innovative SMEs can benefit from a level playing-field, protect citizens’ freedom of communication and consumers’ freedom of choice.

Defining Net Neutrality through normative provisions: AM 234-235 & 241-242

The original proposal made no explicit reference to Net Neutrality. It was introduced during the legislative process in a recital (45) but still not mentioned in an article. By definition, recitals are not normative provisions; it does not suffice to state a principle to enforce it. That “traffic should be treated equally without discrimination, restriction or interference, independent of the sender, receiver, type content, device, service or applications” needs to be legally enacted in order to allow its application. We call on you to vote for amendments 234/241, 235/242.

Creating a strong framework for specialised services: AM 235-236 & 242-243

“Specialised services” provide “Quality of Service” optimised for a specific type of application (VOIP, video, e-health, etc.) through bandwidth management techniques. They should only be allowed for applications which do not function properly when delivered through “best-effort” (non-prioritised) Internet access.

A strong “non-discrimination principle” must be introduced to prevent network operators from discriminating between service providers that require quality of service for their applications. Otherwise the regulation will allow exclusive deals between telecom operators and (mostly US-based) Internet giants. For example, Vodafone could make a deal with Google to deliver an “special services” version of YouTube. With the current wording of articles 2.15 and 23.2, all other video platforms providing a functionally equivalent application – e.g. Vimeo – would have great difficulties to compete on fair terms with YouTube. This would weaken competition, innovation and users’ freedom of choice. We strongly call you to vote in favour of amendments 235/242 and 236/243.

Banning contractual restrictions to Net Neutrality: AM 236 & 243

Contractual exceptions to Net Neutrality provided in article 23 represents a major problem. It would encourage telecom operators to bypass Net Neutrality to favour services or contents of their choice when contractual limits on data volumes (so-called “data caps”) are reached by users. Such dangerous trends are already widespread. For instance, Orange has recently launched its own cloud service in France which their subscribers can access without the connection counting towards their quota. This clearly favours their own cloud services over competing services such as Dropbox or SkyDrive, as access to these services will count towards the subscriber’s quota. This discrimination distorts competition in the marketplace and reinforces the positions of dominant players. To prevent its harmful effects, we urge you to adopt amendments 236/243.

Preventing abuse in traffic management measures during congestion: AM 236 & 243

Traffic management measures are essential to ensure the smooth functioning of the network. However, it should not be used as a pretext to unreasonably discriminate against some applications and services and article 23.5 provides a well-defined framework. However, point d) raises several concerns: it restricts the use of such measures to “temporary or exceptional” congestions. Unfortunately, this wording does not prevent specific services, applications or protocols from being recurrently degraded during daily episodes of congestion. These traffic management measures must therefore only be allowed in cases of “temporary” and “exceptional” congestions. For this reason, we invite you to adopt amendments 236 and 243.

We count on you to protect freedom of communication, innovation, and fair competition in the online environment by supporting these amendments. By doing so, you will help preserve the benefits brought by the Internet while defending against the harmful practices of a few dominant economic actors. More information on: <https://lqdn.fr/nn> – contact@laquadrature.net – +32483364412

Amendments 234 and 241
Article 2 – paragraph 2

ITRE report	Amendments
	<p><i>(12 a) (new) “net neutrality” means the principle that all internet traffic is treated equally, without discrimination, restriction or interference, independent of its sender, receiver, type, content, device, service or application.</i></p>

Amendments 235 and 242
Article 2 – paragraph 2

ITRE report	Amendments
<p><i>(14) “internet access service” means a publicly available electronic communications service that provides connectivity to the internet, and thereby connectivity between virtually all end points of the internet, irrespective of the network technologies or terminal equipment used;</i></p>	<p><i>(14) “internet access service” means a publicly available electronic communications service that provides connectivity to the internet in accordance with the principle of net neutrality, and thereby connectivity between virtually all end points of the internet, irrespective of the network technologies or terminal equipment used;</i></p>
<p><i>(15) ‘specialised service’ means an electronic communications service optimised for specific content, applications or services, or a combination thereof, provided over logically distinct capacity and relying on strict admission control with a view to ensuring enhanced quality from end to end and that is not marketed or usable as a substitute for internet access service;</i></p>	<p><i>(15) “specialised service” means an electronic communications service optimised for specific content, applications or services, or a combination thereof, provided over logically distinct capacity, relying on strict admission control, offering functionality requiring enhanced quality from end to end and that is not marketed or usable as a substitute for internet access service;</i></p>

Amendments 236 and 243
Article 23 – paragraph 2

ITRE report	Amendments
<p><i>2. Providers of internet access, of electronic communications to the public and providers of content, applications and services shall be free to offer specialised services to users. Such services shall only be offered if the network capacity is sufficient to provide them in addition to internet access services and they are not to the material detriment of the availability or quality of internet access services. Providers of internet access to users shall not discriminate between such services.</i></p>	<p><i>2. Providers of internet access, of electronic communications to the public and providers of content, applications and services shall be free to offer specialised services to end-users. Such services shall only be offered if the network capacity is sufficient to provide them in addition to internet access services and they are not to the detriment of the availability or quality of internet access services. Providers of internet access to end-users shall not discriminate between functionally equivalent services or applications.</i></p>
<p><i>5. Within the limits of any contractually agreed data volumes or speeds for internet access services, providers of internet access services shall not restrict the freedoms provided for in paragraph 1 by blocking, slowing down, altering or degrading specific content, applications or services, or specific classes thereof, except in cases where it is necessary to apply traffic management measures. Traffic management measures shall be transparent, non-discriminatory, proportionate and necessary to:</i></p>	<p><i>5. Providers of internet access services and end-users may agree to set limits on data volumes or speeds for internet access services. Providers of internet access services shall not restrict the freedoms provided for in paragraph 1 by blocking, slowing down, altering, discriminating or degrading specific content, applications or services, or specific classes thereof, except in cases where it is necessary to apply traffic management measures. Traffic management measures shall be transparent, non-discriminatory, proportionate and necessary to:</i></p>
<p><i>d) prevent or mitigate the effects of temporary or exceptional network congestion provided that equivalent types of traffic are treated equally.</i></p>	<p><i>d) prevent or mitigate the effects of temporary and exceptional network congestion provided that equivalent types of traffic are treated equally</i></p>