



## Net Neutrality

### Why define and protect network neutrality?

Internet and its social and economic benefits are based on simple technical principles that must be protected. The most important one is the decentralized nature of the network, which maximizes freedom of communication and thus, maximizes freedom of expression and online innovation.

Two aspects should be distinguished in order to better protect the neutrality principle:

- On the one hand, the *'best-effort'* Internet based on a perfectly neutral treatment of streams, contents, services and applications.
- On the other hand, specialized applications which require optimized service for a given protocol (VOIP, video, online games...). These services can be authorized, provided that they apply equally and without discrimination to all functionally equivalent applications and services available on the Internet, as the European Parliament requests it in its April 2014 decision.

### Why is this important?

The development of the Internet and of the World Wide Web has facilitated the democratic involvement of a wide portion of the public, offering everyone an equal access to communication services. These advances are not compatible with a "two-speed Internet" which reserves a privileged part of Internet traffic to the highest bidder. In parallel with the fight against the digital divide, the protection of Net neutrality is a key to the promotion of universal access to the Internet.

Net neutrality is considered as a means to facilitate innovation since it allows newcomers to

innovate and compete with the most established players. This open ecosystem of innovation is a real source of GDP and employment: [25%](#) of the total increase in employment in 2011 in France was due to direct or indirect Internet jobs.

If tomorrow operators could give priority to the streams from high bidding companies, the driving force of the digital economy would be torn into pieces. Innovating SMEs need a neutral and unconditional access, not only to a "best-effort" Internet but also to offers built over an optimized quality of service. This is the very condition of their development and their growth and thus of innovation and freedom of choice for consumers in the digital economy era.

Neutrality helps avoid the anticompetitive risks brought by mergers and collaborations between major players of the US digital economy and some Telecom operators, or vertical integration strategies from operators that invest in the market of contents and services online. Furthermore, in a context of growing concentration in the sector of Telecoms, widely encouraged by the French Government, networks neutrality is an essential guarantee against abuses of leadership position.

## How to protect Net Neutrality in the law?

- The law must contain a definition of Internet set upon the principle of neutrality (on the basis of "*best-effort*", data packets being managed indistinctly) in order to guarantee the sustainability of its technical architecture.
- The principle of neutrality must apply to every mode of Internet access (landline or mobile network). Exceptions to this principle in case of unpredicted overflow or threat upon the network safety must be thoroughly supervised at regulatory level.
- If Telecom operators are allowed to offer "specialized services" to their customers — that is to say, access modes offering an optimized quality of service (non *best-effort*) for any given application (VoIP, video streams, online games — then these customers must remain free to use those optimized quality modes to access and use any other available service functionally equivalent to the said application.
- The conditions of balance between "specialized services" and *best-effort* Internet on the communication networks must be sustained in order to maintain universal access to the Internet.
- Violations of this principle by operators require dissuasive sanctions, and any citizen who feels aggrieved by the practices of an operator should be able to refer to the judicial

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authority in charge.

- It is necessary to regulate the recourse to deep packet inspection (DPI) technologies in order to protect the confidentiality of correspondence and electronic communications' integrity.

Further reading: see the [French Parliamentary Report on Net Neutrality \(FR\)](#) (April 2011), our [answer \(FR\)](#) (September 2010) to the European consultation on the subject or our [report \(FR\)](#) (April 2010). Read also our Op-Ed [\(FR\)](#) published in the *Cahiers de l'Arcep* (the French electronic communications regulator) (October 2010).