



Paris, February 10<sup>th</sup>, 2010

Dear Commissioner Kroes,

We first would like to congratulate you on your confirmation as Vice President of the European Commission and Commissioner designate for the Digital Agenda. You will inherit the challenging but engaging task of bringing the European legislation into the digital age.

As former Commissioner of Competition, and given your courageous statement during your confirmation hearing, we are confident that you will understand the **importance of mandating Net neutrality rules for the future of the European digital economy**. As you know, Net neutrality is a founding principle of the Internet that rules out any discrimination against the source, destination or the type of data transmitted over the network. In the words of Tim Berners-Lee, the inventor of the World Wide Web, it is “the freedom of connection, with any application, to any party”.

Some Telecoms operators look forward to put an end to this principle in order to create an artificial scarcity of bandwidth, arguing that network capacities are being reached. Such attempts would allow them to develop new business-models based on charging either the providers or the consumers for delivering services, applications and content, by discriminating over information flows. However, such practices would put at risk the level-playing field that the Internet represents for small and innovative businesses, thereby seriously harming European innovation and competition.

More generally, the Internet has become a free and open platform for democracy, **providing people with the resources to share information and exchange their views**. Here again, Net neutrality is instrumental to preserving the Internet's openness. It ensures that the ability to voice opinions on the Internet does not depend on users' financial capacities or social status. It gives people the freedom to express themselves as they wish, and to access the information they want without risking to be discriminated by the few actors who operate the network. Abandoning or even weakening Net neutrality in Europe would mean handing out to private actors the control of the new, networked public sphere.

In addition, we understand that an important part of the digital agenda will consist in adapting European copyright to today's world. Current copyright law is profoundly at odds with the way people access, create and use cultural goods in the digital age, and is now turned against the public. While Net neutrality can ensure that users will not face illegitimate discrimination on the network, **the adaptation of copyright law will foster the innovative and empowering practices that the Internet enables**. Trying to enforce today's copyright law on the Internet through three-strikes schemes and content filtering or by dismantling the limited legal liability faced by technical intermediaries would severely threaten European citizens' freedoms.

Contrary to some worrying policy-making endeavours carried on these past few years at the national and international level, the EU should move toward **embracing the new uses enabled by digital technologies while ensuring fair funding for authors and other right-holders**. We particularly encourage you to explore ways of authorizing non-commercial peer-to-peer exchange of digital works on the Internet as a strategy complementary to the effective remuneration and funding of artistic creation.

We are confident that you will remain committed to defending European consumers and citizens.

Sincerely,

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