



Dear Member of the European Parliament,

You have the honor and the responsibility of being part of the conciliation committee for the “Telecoms Package”. As you know, a contentious amendment – said “amendment 138” – is source of concern for the Council. This amendment states that *“no restriction may be imposed on the fundamental rights and freedoms of end-users, without a prior ruling by the judicial authorities”*.

This principle has been confirmed by the French Constitutional Council, who added, when ruling against the “three strikes” policy, that *“In the current state of the means of communication and given the generalized development of public online communication services and the importance of the latter for the participation in democracy and the expression of ideas and opinions, this right implies freedom to access such services.”* France's highest jurisdiction affirmed what has become obvious to many EU citizens: the free **access to Internet content, services and applications are now irremediably tied to the proper exercise of fundamental rights.**

However, wording pushed by Telecoms operators like AT&T during the second reading of the Telecoms package greatly endangers the future of the Internet in the European Union. Located in Articles 20.1.b and 21.3.b of the Universal Service Directive, this language allows for *“conditions limiting access to and/or use of services and applications”*. These articles as they stand dangerously harm Net neutrality, a founding principle of the Internet.

Net neutrality ensures that users face no conditions limiting access to applications and services. Likewise, it rules out any discrimination against the source, destination or actual content of the data transmitted over the network. Or, 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”*. It means that **every citizen, regardless of their financial capacities or social status, have access to the same Internet**, thus can equally participate in the production and distribution of information and knowledge.

Net neutrality also enables *“innovation without a permit”*, since every small actor can innovate and compete with the incumbent giants. This bottom-up innovation is precisely what made Internet an essential factor for economic growth and competitiveness.

Moreover, it is well understood that imposing **Net neutrality stimulates a virtuous growth model for the Internet** relying on investing in more bandwidth, thus building a common infrastructure, instead of investing into more control and filtering hardware, which would lead to the fragmentation of the Internet.

Wary that some telecoms operators and content industries could develop business-models based on the discrimination or prioritization of certain information flows, **the United States administration announced that it would mandate Net neutrality** to both broadband and mobile Internet providers. Europe must do the same as the USA. The conciliation committee negotiates the final text of the Telecoms package directives, we count on you and the European Parliament as a whole to **get rid of the anti-Net neutrality phrasing of articles 20.1.b and 21.3.b of the Universal Service Directive, and amend the Framework directive to make Net neutrality a fundamental regulatory principle** in the European telecommunications market.

The future of competition, innovation and citizen's fundamental rights in Europe is in your hands.

Sincerely,

Philippe Aigrain, Gérald Sédrati-Dinet, Benjamin Sonntag, Jérémie Zimmermann
Co-founders of citizen advocacy group La Quadrature du Net / contact@laquadrature.net