

PROTECTING NET NEUTRALITY IN EUROPE

Letter sent to the Vice-President of the European
Commission Ms. Kroes

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Protecting net neutrality in Europe

Dear Vice-President Kroes,

I write on behalf of The European Consumer Organisation (BEUC) to urge you to **propose specific legislation to enshrine the net neutrality principle into European law as a matter of priority**. We are deeply concerned about the situation of net neutrality across Europe as is portrayed by the findings of the investigation that BEREC underwent this spring.

We were all waiting for the facts and now we have them. To provide only but a few examples, it is alarming to see that one in every two Europeans may not have the option to use Voice-Over-IP services on their mobile broadband service, that two in three Europeans may be subject to illegitimate discriminations on their Internet connection due to their Internet Service Provider's (ISP) commercial decision to focus resources on specialized services, or that many ISPs are prioritizing specific content as a general practice and especially during peak times.

Further, BEREC admits that the findings only provide a partial view of the practices across Europe, therefore the **abuses of net neutrality may be far worse than announced**. BEREC's findings provide clear evidence that urgent legislative action is necessary in order to ensure that all ISPs are offering open, neutral broadband services to access the Internet to all European consumers.

After having met with your cabinet, we understand that your services plan to undergo a public stakeholder consultation on BEREC's findings. We would however urge you not to engage yet again into another public consultation, which would only delay long overdue legislative action. We thus call on you to undertake a new legislative measure which should include at least the following elements:

- A definition of the net neutrality principle.
- A definition of legitimate and illegitimate traffic management.
- A general prohibition of non-discrimination between Internet traffic streams unless done on legitimate traffic management grounds, and in particular a prohibition to violate the end-to-end principle.

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- A clear set of obligations on ISPs regarding the neutrality and QoS of the Internet access services on the one hand, and on specialized services on the other.

Net neutrality is not an issue of transparency nor is it a competition issue. If left to competition, it is not guaranteed that all European consumers will be offered a broadband service that is free from illegitimate, discriminatory traffic management. In fact, BEREC findings prove that **a very significant percentage of European consumers are already in the situation where their choice for a neutral access is rather limited, if not inexistent.** There is a considerable risk that the situation will worsen and violations of the net neutrality principle will become even more common practice than they are today.

Considering the urgency of this important matter for European consumers, and the significant amount of time that any new legislative proposal will take before taking effect, we believe that in the meantime the European Commission should work with regulators to provide clear guidance on how can consumers better and more easily switch ISPs; ensure consumers get more and better information through strict transparency practices; and propose stringent Quality of Service recommendations for NRAs to apply to Internet access services in their markets.

We are confident that you put consumers first and would be very happy to further discuss this issue with you or your services at your best convenience.

Yours sincerely,

Monique Goyens
Director General

C/c: Vice-President Joaquin Almunia, Competition
Vice-President Antonio Tajani, Industry and Entrepreneurship
Commissioner Michel Barnier, Internal Market and Services
Commissioner Androulla Vassiliou, Education, Culture,
Multilingualism and Youth
Commissioner John Dalli, Health and Consumer Policy