

20 January 2015

**Subject: Open letter to Member State Ambassadors to the EU**

Dear State Ambassadors to the EU,

In light of your Minister's imminent discussion on the next steps to undertake on the proposed European Telecommunications Single Market Regulation, we would appreciate if you would make them aware of this Call to support strong and clear net neutrality rules and to take a stance that demonstrates the European Union's will to champion an open Internet.

We, the undersigned organisations, are committed to an open, transparent and secure Internet that acts as a key driver for innovation and economic efficiency and for fostering informed citizenship and plurality of opinions, creating a vital need for effective rules on net neutrality at the EU level.

**Why is it important to set clear Net neutrality rules?**

**To FOSTER INNOVATION**

Clear rules are the best way to create the legal certainty for sustained investment in innovative online content and applications, as well as encouraging efficient investment in infrastructure (more bandwidth rather than more tools to discriminate). Innovation can only be fostered in an open and competitive network environment, where competition and net neutrality together will trigger the necessary incentives for investments in ultra-fast network deployments.

Such rules will also be a significant step towards a true digital single market and enable EU entrepreneurs to benefit from an unfettered access to the open Internet across the EU when launching new content, services and applications, rather than facing a patchwork of operators' terms and conditions.

**To PRESERVE CONSUMER CHOICE**

Clear rules will ensure that it is users, and not Internet Access Providers, who decide what content and applications they access and use, maintaining a healthy competitive pressure on all players in the Internet ecosystem, and thus impeding access providers from becoming gatekeepers and picking the winners of tomorrow.

**To PROTECT FUNDAMENTAL RIGHTS**

In May of last year, the Council adopted guidelines for freedom of expression online and offline. These included a valuable reassertion that freedom of communication includes "the right to impart information and ideas of all kinds through any media and regardless of frontiers". To abandon net neutrality is to abandon both the freedom to impart and receive information without interference. Moreover, with regard to interventions in data traffic for public policy reasons, Article 52 of the Charter of Fundamental Rights must be rigorously respected.

## What should the legislation be?

Studies by regulators have unequivocally demonstrated that clear rules are necessary to halt discriminatory practices and a clearly stated non-discrimination principle for Internet access providers should form the cornerstone of these principles.

These rules should allow Internet access providers to manage traffic but it should neither be prioritized nor discriminated against based on the content, services, applications, or devices that are being used, including price discrimination. Internet access providers should also clearly be able to offer customers internet access packages with different speeds and volumes – as long as they treat services and applications in a non-discriminatory manner.

Such rules should not prevent Internet access providers from offering “specialised services” if they wish, as long as they do not degrade or impair Internet access services and are not discriminatory.

Only if such principles are put in place, will net neutrality be implemented and enforceable in a manner that preserves the vibrant ecosystem created by the Internet, for Europe’s citizens and businesses alike.

Please make your relevant Ministers aware of this Call to support net neutrality rules in the proposed Telecommunications Single Market Regulation.

The contributors to this open letter are:



Access



Alternative Informatics Association (AIA)



Association of European Radios (AER)



Asociația pentru Tehnologie și Internet (ApTI)



BEUC



Bits of Freedom



Chaos Computer Club



Computer and Communications Industry Association



Center for Democracy and Technology



Digital Courage



Digitale Gesellschaft



Digital Rights Ireland



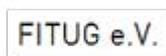
European Broadcasting Union



European Digital Rights



Fastweb



Förderverein Informatik-technik und Gesellschaft



Initiative für Netzfreiheit



IT-Pol Denmark



La Quadrature du Net



Panoptikon



Quintessenz



Voice on the Net Coalition Europe



Vrijdschrift



X-net