



## JOINT ONLINE COMMUNICATIONS INDUSTRY, CONSUMER PROTECTION AND CIVIL SOCIETY STATEMENT OF SUPPORT FOR S&D, ALDE, GREENS, GUE/NGL OPEN INTERNET AMENDMENTS

Brussels 1.04.2014 - The online communications industry, consumer protection and civil rights NGOs want to preserve the open internet.

We are gravely concerned about loopholes in the Commission and Industry Committee texts that would allow parts of the telecommunications industry to become gatekeepers that decide what succeeds and what fails online. Even national regulators (through BEREC, the Body of European Regulators) have expressed a fear that the Commission's proposals seek to re-shape the market in favour of large ex-monopoly telecoms operators.<sup>[1]</sup>

Europe needs a vibrant online economy. This can only be achieved if telecoms operators are not permitted (as they have previously publicly demanded <sup>[2]</sup>) to distort competition and innovation online. The amendments tabled by the S&D, ALDE, Greens and GUE to the ITRE Connected Continent Report would prevent this from happening. **The open internet amendments will help maintain a high quality internet for all** and do not in any way prohibit services currently provided to broadband users, such as VPNs for businesses, IP-TV and telepresence. The only threat to Internet quality is the unwillingness of telecoms operators to invest in upgrading their networks in a timely and efficient manner.

### **The new amendments will protect and enhance the European Digital Economy.**

The proposal of the European Parliament's Industry Committee improves the European Commission's text. However, the text that has been proposed is still far too broad and would still allow anti-competitive behaviour by the telecommunications industry. In particular, it would allow telecoms operators to redefine internet services as "specialised services" if they pay for preferential treatment, closing the market for innovative startups. The new amendments tabled for plenary would prevent this problem.

### **The new amendments will ensure European users' right to access the open internet.**

The new amendments tabled for Plenary make sure that all European citizens have the right to access the open internet without being subject to discrimination by the providers of internet access. These amendments would ensure that the innovative character of the internet continues to thrive, protecting and increasing consumer choice. If "specialised services" are to be defined, it is crucial that this definition is as clear as possible, in order to allow all such services to exist and to thrive without representing a threat to the open Internet.

### **The new amendments will preserve and promote competition.**

The internet is a complex ecosystem. However, we must constantly remind ourselves that the openness of the internet is THE reason for its economic and social success. An open and neutral internet ensures competition, innovation and consumer choice. At a time of economic crisis, the large-scale experimentation with the functioning of the open internet that is demanded by some telecoms operators must be avoided.

Those who talk of a "restrictive open Internet" are not alone missing the value of the open internet, they are missing the point that it is impossible to be restrictive and open at the same time.

### **The new amendments will ensure legal clarity.**

The 2009 Framework empowers National Regulatory Authorities (NRAs) to intervene and set quality of service levels for internet access. However, it has been shown repeatedly that telecoms operators have restricted access to certain services in order to close down competition. Experience shows that clear rules to prevent discrimination by telecoms companies are needed.

For these reasons, we call on Parliamentarians to vote for the open internet, for competition, innovation and free expression. Vote for the amendments tabled by the S&D, ALDE, Greens, and GUE.

### **The contributors of this joint statement are:**



<https://www.accessnow.org>



<http://www.beuc.eu>



<https://www.EDRi.org>



<https://greenhost.nl>



<http://www.laquadrature.net>



<http://www.openforumeurope.org>



<http://www.startupsfornetneutrality.org>



<http://www.voneurope.eu>

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[1] "Indeed, such a new focus suggests that regulatory decisions should be also aimed at triggering market consolidation – in potential conflict with the fundamental purposes of the current framework (to promote competition)". *BEREC views on the proposal for a Regulation "laying down measures to complete the European single market for electronic communications and to achieve a Connected Continent"*, Body of European Regulators for Electronic Communications, 17 October, 2013, page 3. See:

- [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/opinions/?doc=2922](http://berec.europa.eu/eng/document_register/subject_matter/berec/opinions/?doc=2922)

[2] "However, BEREC believes that the elevation of these approaches (however ETNO may label them) by explicit reference in a (high-level) international treaty runs the real risk shifting the balance of negotiating leverage between market participants and inducing an abuse of market power by telecoms carriers in relation to terminating traffic (much as occurred historically in traditional telephony)". *BEREC's comments on the ETNO proposal for ITU/WCIT or similar initiatives along these lines*, Body of European regulators for Electronic Communications, 14 November 2012. See:

- [http://berec.europa.eu/files/document\\_register\\_store/2012/11/BoR%2812%29120rev.1\\_BEREC\\_Statement\\_on\\_ITR\\_2012.11.14.pdf](http://berec.europa.eu/files/document_register_store/2012/11/BoR%2812%29120rev.1_BEREC_Statement_on_ITR_2012.11.14.pdf)
- <https://www.etno.eu/datas/itu-matters/etno-ip-interconnection.pdf>