

PRESS RELEASE

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Net neutrality rules must safeguard innovation in the open Internet

OpenForum Europe (OFE) welcomes the Commission proposal for a *Regulation laying down measures to complete the European single market for electronic communications and to achieve a Connected Continent* announced today by Vice-President for the Digital Agenda Neelie Kroes.

The proposal aims to improve the European regulatory framework for traffic management and the open Internet, which OpenForum Europe has been calling for [since 2008](#). At a time when many Member States are either considering or enacting national net neutrality rules (see our [Country Factsheets](#)), we believe that now is a crucial time for the EU to take the lead on this issue.

OFE welcomes efforts to effectively ban discriminatory blocking and throttling of content on the Internet, a positive step forward that will ensure that no single provider or category of services will be excluded from competition.

However, OFE has serious concerns with the proposed framework for so-called “specialised services”. These services, which assure high quality and bandwidth to consumers at a premium price - for example by guaranteeing access to VoIP or VoD applications - could have an impact on the quality of services delivered over the open and non-discriminatory Internet. There is a place for so-called specialised services. They offer scope for innovative business models. But it is crucial that these are clearly distinguished from the open and non-discriminatory Internet.

We are concerned that market interest in “specialised services” could lead to uneven allocation of resources and degrade services offered over the Internet. Iron-clad guarantees are needed to ensure continued investment in the non-discriminatory part of the network. The Commission proposes to empower National Regulatory Authorities to have a strong mandate in this regard, which is a positive first step but will need further work. We hope that the European Parliament and the Council will provide such guarantees. Failure to do so could jeopardize continued investment and innovation in the open Internet that we take for granted today.

Finally, OFE is concerned about applying the 'sending party pays' principle to the Internet. While this business model has worked effectively in phone networks, it is intrinsically incompatible with the very nature of the Internet, and would have dire consequences if implemented in that context. “Users, not network providers, should be able to decide independently what online services they want and who they want to get them from,” said Maël Brunet, Head of Brussels Office at OFE, adding: “This is still lacking in the proposal of the Commission.”

Thanks to free, publicly available standards that anyone can access and build on, we have witnessed the development of a decentralised, open Internet ecosystem with no single gatekeeper that has spurred

enormous creativity and growth. “OFE will fight to preserve the open Internet. We look forward to participating in a productive debate about the proposed regulation,” Brunet said.

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