

## European Commission Consultation: Net Neutrality

The European Coordination of Independent Producers (CEPI) was founded in 1989, to organise and represent the interests of independent cinema and television producers in Europe. Today the Coordination represents approximately 8000 independent production companies in Europe, equivalent to 95% of the entire European audiovisual production industry.

CEPI supports the fundamental principle of Net Neutrality as a means of maintaining an open and fair access to the internet. A free and open internet has allowed for unprecedented levels of innovation, including the development of communication, entertainment and educational facilities which have enormous potential as drivers of economic prosperity and social development.

Furthermore, as content providers, net neutrality is a vital means of maintaining a level playing field in which new innovative platforms and forms of distribution can freely develop. CEPI strongly encourages means which allow the online audiovisual market to flourish, including for example giving consumers the possibility to opt for connections which prioritise audiovisual content, as this form of traffic requires a particularly high bandwidth and latency. Such measures would be a welcome support to fast growing market with a huge potential for growth. Regulations must ensure transparency in this regard, and that cooperation between different market players is not anti-competitive in nature.

A key underlying factor in the net neutrality debate is the fact that bandwidth is a finite resource. Therefore, a situation in which the vast amount of traffic caused by online piracy hinders those who wish to use the internet for legal activities is clearly unacceptable.<sup>1</sup> Net neutrality cannot and should not be used to condone illegal activities; hence we naturally do not consider that traffic caused by online theft should qualify for equal treatment under the net neutrality principle.

CEPI supports the development and implementation of traffic management measures which specifically target online piracy, while paying due respect to privacy and avoiding the imposition of arbitrary measures against general types of traffic which may also be used for legal activities.

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<sup>1</sup> Illegal downloading / uploading and p2p sharing of copyright infringing content has been shown to constitute a large proportion of consumer internet traffic:

- P2p accounted for 39% of consumer internet traffic in 2009 (Cisco VNI, 2010 [http://www.cisco.com/en/US/solutions/collateral/ns341/ns525/ns537/ns705/ns827/white\\_paper\\_c11-481360\\_ns827\\_Networking\\_Solutions\\_White\\_Paper.html](http://www.cisco.com/en/US/solutions/collateral/ns341/ns525/ns537/ns705/ns827/white_paper_c11-481360_ns827_Networking_Solutions_White_Paper.html))
- Internet traffic in Sweden fell by approximately 30% following the introduction of the IPRED Directive in 2009 (<http://stats.autonomica.se/mrtg/sums/All.html>)