

Dear Committee,

Of your questions in the "questionnaire for the public consultation on the open internet and net neutrality in Europe" I can only comment on question 15:

The freedom of expression as founded in article 10 of the Treaty of Rome for protection of the human rights and fundamental freedoms:

"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises."

The right to receive information and ideas without interference by public authority should in my opinion also include the right to receive information without interference by private companies which serve as carriers and distributors of that information. In that sense ISP's have the same role as Postal services or telephone companies. Just as the postal services are not expected to open the letters and refuse to deliver them if they don't like the content or the sender, or the telephone company is not expected to block you to accept calls from certain parts of the country, so are ISP's not expected to scan the contents of datapackets and refuse to deliver them.

One might reason that this is just what spamfilters do, but in general spamfilters are installed on request of the receiver. So if any filtering occurs it should be on request of the receiver, not by economical reasons by ISP's nor by political reasons by states. Article 10.2 the treaty already offers (too) many possibilities to limit the freedom expressed by article 10.1.

If ISP's need to reduce the amount of traffic in order to ensure a certain quality of service, they must do so irrespective of the origin and contents of the data, though of course they may ask a (reasonable) price proportional to the quality of service and the amount of data delivered.

kind regards,
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