

Dear reader,

I would like to respond to the questionnaire for the public consultation on the Open Internet and Net Neutrality in Europe.

My name is Jan Kanis, living in Utrecht, The Netherlands. I am currently a student in Cognitive Artificial Intelligence and in Philosophy.

Though in general I believe that the public interest is best served by a free and open market in which there is as little government interference as possible, I do not think that just requiring transparency in the issue of net neutrality is sufficient. To adapt a quote by Albert Einstein: There should be as little government regulation in the market as possible, but no less. In some markets, such as those requiring a large investment in building a network, there is a natural tendency for the market to concentrate the power and consolidate into a small number of dominant companies. In such markets there is less competition and thus more need for government regulation.

The market of internet access, both mobile and wired, is moving toward a smaller number of players that handle a larger part of the market. On top of that, most of these players are becoming more vertically integrated, which means they do not just have interests as internet service providers, but also as providers of other services, and those other interests may be at odds with those of net neutrality.

Net neutrality is not 'just' another public good for which an efficient market should exist, it is deeply related to basic values such as freedom of speech. The free access everyone has to the internet has allowed many amateurs, such as bloggers, to express themselves in ways that have not been possible before through more centrally controlled mass media. If it becomes accepted that one has to pay extra to have access to all of the internet, or for content providers to be able to reach their audience, the internet may move backward towards a situation that existed before internet access was common.

Given the trend of consolidation in the market of internet access, and the importance of net neutrality to freedom of speech and expression, I think net neutrality is not something that can or should be left to the market to handle by themselves, but something that should be guaranteed for all EU citizens.

Question 1:

There is currently not yet a big problem in net neutrality, at least not on wired connections. Most internet providers do not discriminate or block traffic from their users. There is more of a problem in the mobile internet market, where it is regular practice for operators to forbid certain kinds of traffic, e.g. VOIP traffic or tethering a cell phone to a laptop. I am not sure if there is any improvement happening in this situation. On the positive side, not all operators enforce their restrictions very heavily.

Question 2:

Though currently net neutrality is not a problem in wired connections, there is pressure for operators to start discriminating traffic if government regulations allow so. The current

discussion will probably lead to more traffic discrimination unless governments and the EU form clear guidelines that this is not acceptable.

Question 3:

Although this is not my area of expertise, as far as I know net neutrality is currently a bit of a regulatory grey zone. Historically access providers (at least wired access providers) did not interfere with their customers traffic, so it was not an issue, but it is becoming an issue now.

Question 4:

I don't consider myself qualified to answer.

Question 5:

Requiring transparent information is always good, but it is only sufficient for net neutrality requirements if a competitive market exists for network access. Currently there are (at least in the Netherlands) a few large operators and some small ones, but looking at the past decade the number of providers is decreasing as the market is consolidating. This consolidation can be expected to continue, among other reasons because of the large investments required to build a network for wireline, and because of the limited number of radio frequency spectrum blocks, which are often sold/auctioned at high prices. I am not aware of any reasons why one could expect this consolidation trend to reverse.

Question 6:

On an ideological level, there is no difference between fixed and mobile networks. The difference is merely a technical/implementation issue. As such the general principles governing both types of networks should be the same.

Question 7:

n/a

Question 8:

I think all content/application/service providers should receive the same quality of service in similar situations. That will stimulate innovation the most. If all providers receive the same basic quality of service, there is no reason to engage in exclusive agreements, except maybe for promotional reasons which is not a problem.

Differentiation in quality of service is not a bad thing in itself, but it should be the choice of the user what quality to allocate to what service, this should not be dictated by the access provider.

Question 9:

I believe net neutrality is necessary, but I'm not qualified to comment on what actual measures are necessary to accomplish this or if voluntary measures are sufficient.

Question 10:

As far as I am aware current arrangements allow for passing of traffic regardless of type, destination, etc. I am not aware of any specific problems in this area.

Question 11:

I don't know of any concrete situations on the level of access to services that should lead to intervention as long as basic non-discrimination net neutrality rules apply.

Question 12:

I don't think any specific QoS requirements need to be dictated. I think that as long as net neutrality applies, the free market can sort out the rest.

Question 13:

n/a

Question 14:

Access providers should be transparent on any kind of limits they impose. As there should be no discrimination or blocking of different sorts of traffic, this question does not apply there.

Question 15:

There are other concerns regarding the internet, such as lock in through proprietary standards (e.g. Microsoft Office standards or Adobe Flash), and in the creation of closed so-called "walled gardens", such as with Apples iPhone where Apple controls what applications a user can run.

Best regards,

Jan Kanis