

Madam / Sir,

With regard to your questionnaire "FOR THE PUBLIC CONSULTATION ON THE OPEN INTERNET AND NET NEUTRALITY IN EUROPE" find my answers below.

Question 1: Is there currently a problem of net neutrality and the openness of the internet in Europe? If so, illustrate with concrete examples. Where are the bottlenecks, if any? Is the problem such that it cannot be solved by the existing degree of competition in fixed and mobile access markets?

Answer: Examples are given in the questionnaire itself and obviously there is no solution for those problems in current regulatory regime, otherwise authorities had to act against those violations of net neutrality.

Question 2: How might problems arise in future? Could these emerge in other parts of the Internet value chain? What would the causes be?

Answer: If net neutrality is not imposed the development and achievements of the global internet are seriously endangered.

Question 3: Is the regulatory framework capable of dealing with the issues identified, including in relation to monitoring/assessment and subsequent enforcement?

Answer: Because end2end connectivity and net neutrality is not a legal obligation for ISPs when offering internet access there is no enforcement against violations of net neutrality.

Question 4: To what extent is traffic management necessary from an operators' point of view? How is it carried out in practice? What technologies are used to carry out such traffic management?

n/a

Question 5: To what extent will net neutrality concerns be allayed by the provision of transparent information to end users, which distinguishes between managed services on the one hand and services offering access to the public internet on a 'best efforts' basis, on the other?

Answer: In case an ISP offers better QoS for some products (e.g. IP-TV) as long as the promised general internet best effort criteria are met managed services seem to be not so problematic. For example, if customer has a DSL 6 Mbit/s line one can expect to be able to use youtube without problems no matter what else the ISP might offer.

Question 6: Should the principles governing traffic management be the same for fixed and mobile networks?

Answer: Yes! Of course bringing content via radio might be more complex than via fixed line but offering more flexibility to the customers. As conclusion, higher prices or volume limits for mobile access (subject to market) - not violating net neutrality - could solve the different nature of fixed and mobile access.

Question 7: What other forms of prioritisation are taking place? Do content and application providers also try to prioritise their services? If so, how – and how does this prioritisation affect other players in the value chain?

n/a

Question 8: In the case of managed services, should the same quality of service conditions and parameters be available to all content/application/online service providers which are in the same situation? May exclusive agreements between network operators and content/application/online service providers create problems for achieving that objective?

Answer: These are actually two questions.

One: Yes. Two: Not necessarily if best effort and end2end connectivity is granted for not prioritized internet traffic.

Question 9: If the objective referred to in Question 8 is retained, are additional measures needed to achieve it? If so, should such measures have a voluntary nature (such as, for example, an industry code of conduct) or a regulatory one?

Answer: If "access to the internet" (not to a specific walled garden or platform) is sold, end2end connectivity should be regulatory enforced by NRAs.

Question 10: Are the commercial arrangements that currently govern the provision of access to the internet adequate, in order to ensure that the internet remains open and that infrastructure investment is maintained? If not, how should they change?

Answer: Worldwide growth of the internet users and usage tells that internet is the vital global communication platform which is a value of itself. Because of the increasing costs for the investments for the infrastructure, prices for internet access maybe go up. Maybe volume limits for internet access over fixed lines could be introduced so that the users pay more equitable for the costs they produce. I don't think that the internet governance has to be changed to meet infrastructure demands.

Question 11: What instances could trigger intervention by national regulatory authorities in setting minimum quality of service requirements on an undertaking or undertakings providing public communications services?

Answer: The regulatory authorities should supervise that end2end connectivity and thus net neutrality is granted. If the private ISPs don't meet their contract provisions (e.g. bandwidth, QoS) this should be dealt with by civil law and not by administrations - avoiding bureaucracy.

Question 12: How should quality of service requirements be determined, and how could they be monitored?

Answer: The internet was built on the best effort principle. Access is - in general - a private affair between customers and ISPs. Maybe regulatory authorities should have a right to check the technical facilities of ISPs when there seems to be violations of net neutrality principles (provided that net neutrality is obliged and NRA can take appropriate measures).

Question 13: In the case where NRAs find it necessary to intervene to impose minimum quality of service requirements, what form should they take, and to what extent should there be co-operation between NRAs to arrive at a common approach?

n/a

Question 14: What should transparency for consumers consist of? Should the standards currently applied be further improved?

Answer: If - especially mobile network operators sell walled gardens such as "Vodafone live" - they should have the obligation to tell the customers explicitly that this is not a access to all / real internet. On the other hand if selling "internet access" there must not be a walled garden but "real" internet providing end2end connectivity.

Question 15: Besides the traffic management issues discussed above, are there any other concerns affecting freedom of expression, media pluralism and cultural diversity on the internet? If so, what further measures would be needed to safeguard those values?

Answer: The internet as the global communication platform is endangered by more and more national restrictions often concerning content property rights. This leads to fragmentized markets (using the IP address as criterion for access). Of course, private licences are valid but the EU could regulate that there must be only one license for the one European market. If e.g. there is a British content platform, why should a French customer - in a single European market - not have a right to access?

Question 16: Any other issues

Answer: My suggestion for an enforceable provision would be: Internet access provider (network operators / ISPs) shall enable an end-to-end connectivity by not blocking, interfering with, discriminating against, impairing, or degrading the ability of any person to use an Internet service to access, use, send, post, receive, or offer any lawful content, application, or service.

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