

September 15th, 2010



EUROPEAN
Information Society and Media Directorate-General
Electronic Communications Policy

RESPONSE

**FOR THE PUBLIC CONSULTATION ON THE OPEN INTERNET
AND NET NEUTRALITY IN EUROPE**

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?

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

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

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?

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?

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

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?

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?

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?

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?

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?

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

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?

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

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?

Je ne souhaite pas paraphraser les nombreux articles, très argumentés techniquement et juridiquement parus sur le sujet, et ne veux pas pratiquer le copié-collé.
Aussi, je me contenterai de vous donner synthétiquement mon point de vue.

1) Préambule. Pourquoi ce questionnaire n'est-il disponible qu'en anglais ?
Le fait de pouvoir répondre "dans toutes les langues de l'UE" ressemble à une joyeuse blague, si les gens ne comprennent pas les questions (sur un sujet techniquement difficile, par ailleurs)

2) Mon point de vue : Internet doit rester techniquement rigoureusement neutre.
Ceci pour éviter la prise de contrôle par les groupes industriels et financiers les plus puissants, au détriment des structures plus faibles, et bien sûr des consommateurs-citoyens.

La neutralité et la décentralisation sont l'essence même d'internet.

On peut considérer ceci comme une forme aboutie de démocratie électronique.

3) Internet est le support-réseau du web.
Ceux qui ne s'y sentent pas à l'aise peuvent monter leur propre réseau, différent, et y appliquer les règles qu'ils veulent, sans remettre en cause la structure de base.

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