



Democracy and Innovation Require Net Neutrality

Net Neutrality is the founding principle of the Internet. Neutrality is key to the growth and universality of the Internet: as long as no discrimination is applied by a private or governmental body regarding sender, recipient or type of transmitted data, every user is a peer on the network and has access to the exact same Internet as everyone else.

Net Neutrality is essential for preserving the fundamental freedoms of citizens. According to the French Constitutional Court, *"given the importance [of online services] for democratic participation and the expression of ideas and opinions, [freedom of expression] implies freedom to access such services"* (decision 2009-580 of June 10th, 2009, par.12). Unrestricted ability to access content, service and applications and the ability to send data (upload) guarantees the Internet's potential for a more inclusive democratic participation.

Net Neutrality is key for strong innovation. The innovation model that drove the growth of the Internet and its uses is based on unrestricted capacity for designing, experimenting, and deploying new services without asking permission to any gatekeeper, and without risking to be discriminated against.

Net Neutrality is not incompatible with reasonable network management practices. However, such practices should respect certain criteria: they must serve approved engineering purpose and may not be commercialized or sold, thus avoiding the creation of an artificial scarcity of bandwidth.

Net Neutrality must apply to both landline and wireless Internet networks. Previously, landline Internet was mostly neutral, and mobile Internet non-neutral but almost non-existent. Now that mobile Internet is growing and that uses are increasingly converging, it is important to ensure that wireless Internet networks will be neutral.

Net Neutrality must be made into law. Provisions aiming at competition and transparency have proven ineffective to protect Net Neutrality. This fundamental principle must be guaranteed through EU-wide regulation. Failing this, freedom of communication as well as innovation in the EU will be undermined.