



Answer to the public consultation on Net Neutrality

As the last BEREC [study](#) clearly shows, according to the findings and citizens' reports of the RespectMyNet platform, telecoms operators are increasingly restricting their users' communications. More than Half of the EU citizens have their access to the Internet restricted by operators. The Net is being fragmented and innovators constrained. The [EU Council](#) and the [EU Parliament](#) have already expressed their concerns about the subject. Unfortunately the situation is not improving.

Over the past years, La Quadrature du Net has already answered to numerous consultations on this issue and expressed its [views](#) on several occasions:

- [“Time for EU-Wide Net Neutrality Regulation”](#) (EU Commission consultation, September, 2010)
- [“Transparency Won't Foster Neutrality - The EU needs to move past its failed wait-and-see approach”](#) (BEREC consultation, November, 2011)
- [“Answer to the questionnaire on Net neutrality”](#) based on the reports submitted by citizens on the [RespectMyNet](#) platform (Commission-BEREC consultation, January, 2012)

Despite widespread evidence, the regulatory situation remains unchanged. As expected, existing rules already prove to be insufficient.

1. The "Wait-and-See Approach" failed to solve the problem and does not guarantee EU citizens a real possibility to switch to a neutral operator. The works of national telecoms regulators confirmed our fears. If nothing is done in a near future, the significant network effects and the inertia in the choice of infrastructure or business models will make it extremely difficult to alleviate Net neutrality restrictions.

2. The concept of "minimum quality of service", mentioned as a last-resort guarantee, remains undefined and unclear. A statutory definition of the Internet (and thus of Net neutrality) would provide a legal basis to which this concept could be linked. The minimum quality of service of any Internet access should be based on qualitative and scalable criteria (depending on new available Internet technologies) but also on an objective criteria of non-discrimination in traffic delivery. In short, any Internet access must respect the principle of Net neutrality.

3. Regulators don't have the tools they need to investigate the restrictions on access, nor a sufficient power to sanction operators who violate Net neutrality.

Existing EU rules, on which are base BEREC's proposals, are insufficient to deal with ongoing violations to Net neutrality. We therefore have no interest in commenting on BEREC's proposed guidelines. EU lawmakers must recognise the necessity of an ad hoc EU legislation on Net neutrality and act. The only way to protect fundamental rights online and incentive investment in networks, is to enshrine Net neutrality into EU law, and provide strong legal protections for the free Internet.

About La Quadrature du Net

La Quadrature du Net is an **advocacy group that promotes the rights and freedoms of citizens on the Internet**. More specifically, it advocates for the adaptation of French and European legislations to respect the founding principles of the Internet, most notably the free circulation of knowledge. As such, La Quadrature du Net engages in public-policy debates concerning, for instance, freedom of speech, copyright, regulation of telecommunications and online privacy.

In addition to its advocacy work, the group also aims to foster a better understanding of legislative processes among citizens. Through specific and pertinent information and tools, La Quadrature du Net hopes to encourage citizens' participation in the public debate on rights and freedoms in the digital age.

You can contact us at: contact@laquadrature.net