

Global open civil society letter to the Body of European Regulators of Electronic Communication (BEREC) in support of strong net neutrality guidelines

The signatories of this letter support BEREC and its members in their task to provide guidelines on the implementation of the EU Regulation 2015/2120.¹ The new EU regulation creates a basis for strong and stable net neutrality safeguards. We therefore encourage BEREC and the 28 national telecom regulators to bring an end to the uncertainty and establish strong net neutrality guidelines. Clear guidelines will ensure a digital single market, with the freedom and legal certainty to provide services across borders and consumer choice.

We urge you to respect the Regulation's goal to "ensure the continued functioning of the internet ecosystem as an engine of innovation", respecting the Charter of Fundamental Rights of the European Union. Since the inception of the Internet, net neutrality has been a vital precondition for freedom of expression, freedom of assembly, competition and freedom to conduct business.

The success of the US and Indian consultations should boost BEREC's work. 3.7 million comments were submitted to the US Federal Communications Commission (FCC)'s consultation, while over one million comments were submitted to the Telecom Regulatory Authority of India (TRAI). These are probably the biggest direct democratic engagements in any telecom regulatory issue in history.

Now it is the European Union's turn. BEREC decided to put the consultation at the very end of its decision making process, with very little time to analyse the feedback, let alone take it into account. We encourage you to reconsider the limited and tight deadline for responding to your public consultation, so you can duly consider citizens and stakeholders' input when finalising the guidelines. A flexible approach to the deadline will have no negative consequences, but will add credibility to the process.

In the elaboration of the guidelines, we ask you to consider the following points:

- "Services other than internet access services" (also known as "specialised services") need careful consideration. Weak guidelines could permit the circumvention of all net neutrality safeguards.
- Zero-Rating is a harmful practice that restricts consumer choice, distorts competition, undermines the freedom to seek, receive and impart information and the freedom to conduct business. The Regulation should be understood as prohibiting this abuse.
- Traffic management should be as application-agnostic as possible. Class-based traffic-management risks discriminating against services, harming user choice, discouraging the use of encryption and would contradict transparency requirements established under the Regulation.

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015R2120>

The difficult questions you are faced with in these months are not about theoretical business models. You are setting the limits and safeguards for the future of the Internet in Europe and ensuring that Europe will not be globally disadvantaged by anti-competitive restrictive practices.

Signatories:

Europe

European Digital Rights (EDRi), Europe
ActiveWatch, Romania
AKC Attack, Croatia
Aktive Arbeitslose Österreich (Active Unemployed Austria), Austria
Alternative Informatics Association, Turkey
APADOR-CH, Romania
ApTI - Association for Internet and Technology, Romania
Arbeitskreis Vorratsdaten Österreich (AKVorrat.at), Austria
Asociatia "Hatch Atelier", Romania
Attac Österreich, Austria
Backspace e.V., Germany
Bitbureauet, Denmark
Bits of Freedom, Netherlands
Bulgarian National Association Active Consumers, Bulgaria
C-Hack Calw (Jugendforschungszentrum Region Calw e.V.), Germany
CCC-CH - Chaos Computer Club Schweiz, Switzerland
CCCZH - Chaos Computer Club Zürich, Switzerland
Chaos Computer Club (CCC) e.V., Germany
Digitalcourage e.V., Germany
Digitale Gesellschaft e.V., Germany
Digitale Gesellschaft Schweiz, Switzerland
Dorfgarten, Austria
Fablab Cottbus e.V., Germany
Fédération FDN, France & Belgium
Föreningen för Digitala Fri- och Rättigheter (DFRI), Sweden
Freies Radio Salzkammergut, Austria
FSFE - Free Software Foundation, Europe
Global Partners Digital, UK/ Global
GreenNet, UK
Initiative für Netzfreiheit, Austria
International Modern Media Institute, Iceland
IT-Political Association of Denmark, Denmark
Iuridicum Remedium, Czech Republic
La Quadrature du Net, France
Netz39 e.V., Germany
NURPA, Belgium
Open Knowledge Austria, Austria
Opennet Initiative e.V., Germany
Panoptikon Foundation, Poland
Radio ORANGE 94.0, Austria
Renewable Freedom Foundation, Germany
TDRS, France
Technarium, Lithuania
The Romanian Centre for Investigative Journalism, Romania

Vegane Gesellschaft Österreich, Austria
Verbraucherzentrale Bundesverband (vzbv) e.V., Germany
Verein gegen Tierfabriken, Austria
Wikimedia Österreich, Austria
World-Information Institute Austria, Austria
Xnet, Spain
ZPS - Zveza potrošnikov Slovenije, Slovenia

Global / International

Access Now
Article19
Greenpeace International
OpenMedia
SumOfUs

Africa

The Unwanted Witness, Uganda

Asia

Bangladesh NGOs Network for Radio and Communication, Bangladesh
Digital Empowerment Foundation, India
Internet Freedom Foundation, India
IT for Change, India

North America

AssentWorks, Canada
Data Roads Foundation, USA
FightForTheFuture, USA
Women Action & The Medi, USA
Women's Institute for Freedom of the Press, USA

South / Central America

Asociación por los Derechos Civiles, Argentina
ACI-Participa, Honduras
Cablevisiontv Chile
IPANDETEC, Panamá
R3D, Mexico
TEDIC, Paraguay
Wikicharlie Chile