

Making doors open

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Incoming Chair of BEREC (European telecom regulators)

Chairman of Arcep (French telecom regulator)

A regulation designed to preserve an “open environment”

Over the past decades the Internet has developed as an open platform for innovation

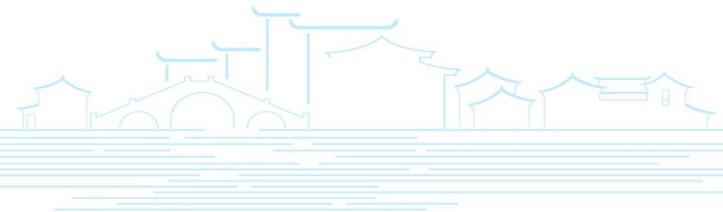
The Internet must be considered as a common good and protected to remain an “open environment”

Why is an “open environment” so important?

- ❑ To empower end-users
- ❑ To empower new entrants
- ❑ To empower innovation

Three steps towards an “open environment” in Europe

- ❑ Making Net neutrality a reality so that ISPs cannot pick winners or losers on the Internet
- ❑ Preventing the appearance of new bottlenecks at other levels of the digital value chain
- ❑ Supporting the emergence of innovative networks



The adoption of Net Neutrality rules in Europe

A concept born in the USA that expanded rapidly to other regions of the world

- ❑ Open Internet Order, FCC, 2010 and 2015
- ❑ In Europe, many countries started to develop national approaches (France, UK, Nederland, Slovenia etc.)

To avoid a fragmentation of the European digital market the European Commission proposed to lay down harmonised Net Neutrality rules in 2013

The Open Internet Regulation was adopted the 25th November 2015

- ❑ This legislation is the result of a compromise between the European Parliament, the European Council and the Commission

Two legally and politically very strong principles to protect the Net Neutrality

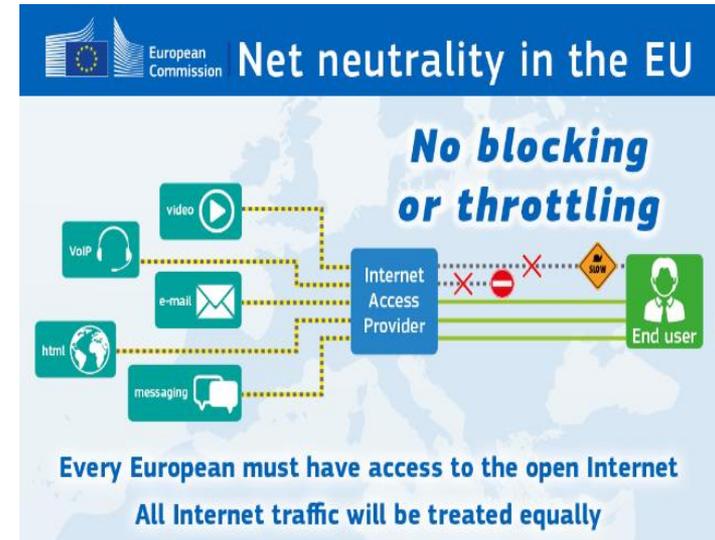
- ❑ Equal and non discriminatory treatment of traffic in the provision of internet access services by ISPs
- ❑ End-users should have the right to access and distribute information and content, use and provide applications and services, without any discrimination or interference



The adoption of Net Neutrality rules in Europe

Exceptions

- Use of reasonable day to day traffic management, to optimize overall transmission quality
 - ✓ based on objectively different technical quality requirements and not on commercial considerations and must be transparent, non-discriminatory and proportionate
- No blocking or slowing down of specific content, applications or services except in three limited and clearly defined circumstances
- Optimised services (such as VoIP, IPTV or telemedicine) are allowed
 - ✓ Must be optimised for specific content, applications or services
 - ✓ The optimisation must be objectively necessary to meet service requirements for specific levels of quality
 - ✓ They can only be provided if there is sufficient network capacity to provide them in addition to any internet access service without impeding the general quality of internet access services
 - ✓ They cannot be a substitute to internet access services



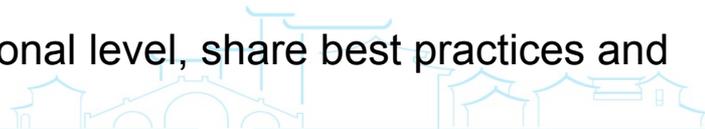
National regulators transforming into “Net Neutrality watchdogs”

National regulators shall monitor and enforce compliance with the Net Neutrality rules

- ❑ Monitor traffic management practices
- ❑ Assess commercial practices such as zero rating, bundling, sponsored data etc.
- ❑ Ensure that the quality of the open internet access services reflects advances in technology
- ❑ Ensure that the quality of the open internet access service is not degraded by the provision of optimised services
- ❑ Set minimum quality of service requirements on internet access providers

The role of BEREC to ensure an harmonised implementation across Europe

- ❑ Last summer BEREC (body of European regulators) issued guidelines providing guidance for national regulators to take into account when implementing the Net Neutrality rules and assessing specific cases
- ❑ BEREC received almost 500 000 contributions during its public consultation from the civil society, public institutions, independent experts, ISPs, content and application providers etc.
- ❑ BEREC, a platform to monitor the implementation at national level, share best practices and develop supervision tools

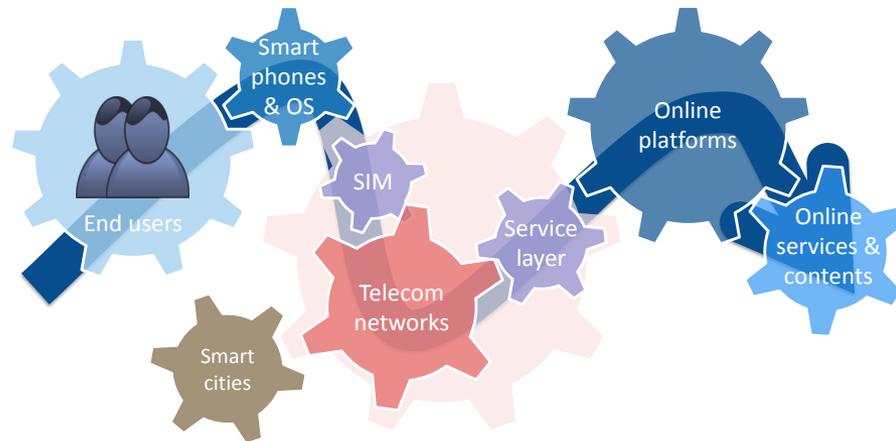


Preventing the appearance of new bottlenecks

Europe secured the openness of the Internet environment at the network level, but the risk is now that bottlenecks appear at other levels of the digital value chain

The European institutions should analyse the impact of other markets on the openness of the Internet environment

- ❑ Online Platforms are the new gatekeepers in the digital era
- ❑ Devices are also key components of the digital value chain and manufacturers have the ability and may have the incentive to facilitate or restrict access to certain digital contents and services



Any regulation should at least be at the European level insofar as Online Platforms and device manufacturers are global players



