

From: jb_koffi02@daum.net on behalf of [Johnbosco Koffi](#)
To: jb_koffi02@daum.net
Subject: From Johnbosco Koffi.
Date: 04 July 2016 19:25:06

From Johnbosco Koffi.
Dearest One,

I am Johnbosco Koffi from liberia the only son and child of late Mr and Mrs Pascal Koffi.

I contacted you because I believe that you Are honest And sincere person who will sincerely Help me.

I am 19 years old orphan.

My parents died on the 19th September 2015 when rebels attacked our home and since then I have been In hide out so that the rebels will not see me to kill.

I Contacted you because I will want you to receive the Inheritance my late parents left behind In a bank here In Abidjan to your country for Investment.

After the transfer to your account you will take 30% of the total of \$10.5 million dollars both for providing an account and your expenses during the transfer and the remaining %70 will be Invested To any business of your choice while I will come over to your country to continue my education.

I Will Give You More Information As Soon As I Get Your Reply.

God Bless You,
Johnbosco Koffi.



From: [Greena](#)
To: [NN-Consultation](#)
Subject: <NN-Consultation>Phosphatidylserine
Date: 16 July 2016 08:33:11

Hi(NN-Consultation)

Maca Extract

Maca Powder

Ginseng Extract

Lutein

Cichoric acid

Coenzyme Q10

Grape Seed Extract

Astaxanthin

Green Tea Extract

Phosphatidylserine

Above is our company's *hot products*.

Look forward to your reply

best regards,

John

2016-07-16

John

Sales Manager

E-mail: John@greena-bio.com

Add:Room A-

2706,Unit 2,Hengrui building,Zhuque South Road,Yanta District,Xi'an,China.

Skype:PExtracts

Tel:0086-29-62900208

Fax: 0086-29-62950916

Web: www.Greena-Bio.com www.Plant-Extracts.com

From: alan@papskun.com
To: [NN-Consultation](#)
Subject: "Zero-rating"
Date: 17 June 2016 20:53:41

BEREC Regulators

"Zero-rating" is a commercial practice imposed by Internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the Internet. A number of clear restrictions on zero-rating are included in BEREC's draft guidelines. However, those guidelines could be further clarified to ensure harmonisation in users' rights and simplify the work of the National Regulatory Authority.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital, only provides the minimum floor for regulatory intervention and not a maximum ceiling. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach as recommended by the guidelines is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice.

Sincerely,

Alan Papskun

From: [Charles](#)
To: [NN-Consultation](#)
Cc: charles@professionaldrivingconsultancy.com.au
Subject: 16-06-12 Net Neutrality
Date: 12 June 2016 08:27:01

Hi,

I have copied below a submission that I thought I had already sent to BEREC – just in case I hadn't.

“16-06-10 Submission re European Internet Neutrality

Dear Sir / Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Is there a demand for specialised services? Which services should be allowed this special treatment?

Not as far as I can conceive.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

The only "positive" impact would be to further the interests, profits and power of companies such as Comcast and Verizon. Individual human beings will always continue to need net neutrality - just like it has been since the internet was developed.

Is there a demand for “commercial practices” such as zero-rating? Could these limit your rights as an end-user? Please provide examples.

Only from the gigantic corporations in a position to profit from them. Any informed, rational individual human being would reject such practices outright.

How much should your ISP be able to interfere with your Internet connection - for example to throttling or prioritise certain types of online traffic (video, P2P, etc)?

It shouldn't. The ISP is simply one of a number of vehicles enabling individualised communications.

What information would you like to receive about your Internet connection, such as its speed, quality of service or how your traffic is managed?

All of the above - and comparisons of internet connections based on geographic locations, service providers and broadband capacities and speeds.

Should the ISP be allowed to monitor your traffic, including its content (e.g. through deep packet inspection) for the purpose of traffic management?

No.

When ISPs are allowed to charge for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, to encourage their customers to increasingly use specialised services. This effect will be detrimental for minorities, disadvantaged people and startups that cannot afford special access to all networks in which they may want to reach customers, and the development of the free, open and innovative Internet ecosystem.

The Regulation has very clear rules on what constitutes reasonable traffic management. According to Article 3(3), all traffic management should be done in an application agnostic way, if possible. Class-based traffic management harms competition; it risks unintended damage to specific applications; it can discriminate against encrypted traffic; it creates uncertainty for content application and service providers; it stifles innovation; it can harm individual users, and can create regulatory overload. Therefore, applying class-based traffic management in situations where application agnostic traffic management would suffice is neither necessary, proportionate, transparent for the user, nor non-discriminatory.

Economic discrimination (zero rating) interferes with my right under Article 3(1) to access and, in particular, to distribute information freely. When an ISP discriminates between providers of content, applications and services via an Internet access service by making them unequally accessible, this constitutes an arbitrary interference in the essence of my right. Furthermore, this practice restricts my rights under the Charter of Fundamental Rights (Articles 11, 15(2), and 16). Therefore, economic discrimination must not be allowed under the BEREC guidelines.

The diversity and innovative capacity of the Internet ecosystem is built upon the low cost of innovation and low barriers to market entry. These principles ensure that from day one, every enterprise, startup or non-commercial service – no matter how small

or well funded – has the potential to reach a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy is only ensured by an open, neutral and non-discriminatory Internet. When ISPs are allowed to interfere with the decisions of their customers by economic or technical discrimination, this essential freedom is lost. According to Recital 1 of the Regulation on net neutrality, the legislation has to be interpreted in light of these goals.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

The Regulation allows specialised services only under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This cannot be the case with services that can also function on the open, best effort Internet. Furthermore, Recital 16 prevents specialised services from being used as circumvention of the general net neutrality traffic management rules. Any deviation from these safeguards to widen the applicability of the concept of specialised services would inevitably result in increased market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Yours faithfully,

Charles Lowe”

Yours faithfully,

Charles Lowe

From: [Jean Coupu](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: 1984 Orwell, Nous voici!
Date: 17 June 2016 07:19:09

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

Bien entendu des services peuvent être payants. En général l'air que je respire est gratuit. L'eau que je bois est achetée.

My name/organisation:

1984 Orwell, Nous voici!

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Les compagnies de chemin de fer ont longtemps offert aux voyageurs trois classes. Le confort des voitures, le prix des billets allait de la première classe, la deuxième classe à la 3ème classe, la plus usitée. Progressivement le choix fut maintenu, limité à la 1ère et la 2ème.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Pas au courant.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Il y aurait deux catégories de personnes dans la société du monde Internet.

Diviser, opposer ensuite n'est pas bon.

Seuls dix pays dans le monde entier ne sont pas en guerre.

Ce truc est un germe de guerre.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

L'accès aux services par Internet doit rester égalitaire.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose

job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”.

BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could

harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Jean COUPU
27 RUE CARNOT VERSAILLES 78000

From: [Eion MacDonald](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: 20160624 Net freedom is very important to the sub-class who are not above minimum income in any EU Country.
Date: 24 June 2016 20:08:48

Dear Sir or Madam,
20160624 1806

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

It is IMPORTANT!

My name/organisation:
eion MAC DONALD, Lochgorm Ltd

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation".

BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every

competitor of the services or applications that are being zero-rated.
(see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,

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regards
Eion MacDonald

From: [Birgit Jostmann](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: 20160627-Net_neutrality_guidelines
Date: 27 June 2016 19:45:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Birgit Jostmann

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be

assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Dalice H.](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: A comment regarding the BEREC net neutrality guidelines creation
Date: 21 June 2016 14:28:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name:
Dalia S.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: robert@silium.net
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: A concerned citizen about innovative capacity of the Internet
Date: 06 July 2016 02:10:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Kind regards,
A concerned citizen, robert boettinger

From: [Christoph Lankanki](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: A concerned citizen
Date: 26 June 2016 03:43:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Christoph Lankanki

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Timo Kramer](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: a letter for a neutral internet
Date: 20 June 2016 23:03:17

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Timo Kramer

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Timo Kramer

Straßenprogrammierer und Linuxkram
Visit: timokramer.de | Write: ich@timokramer.de
PGP-Key: timokramer.de/gpg-key.asc

From: [Frank Beutell](#)
To: [NN-Consultation](#)
Subject: A net without net neutrality is a loss for everyone
Date: 16 July 2016 13:29:11

Dear Ladies and Gentlemen,

a net without strict net neutrality is a loss for everyone. It leads to stagnation in innovation in all digital sections, slows down necessary in digital infrastructure, reduces freedom of speech and in the long run will also be bad for the big telecommunication companies as they focus on how to create additional streams of revenue (on a existing infrastructure without a benefit by reducing access to it) instead of envision new sustainable business models which will carry them into the next decades!

Access to internet - which is essentially access to communication, to knowledge, to political discourse, to make a living - is as essential as water, food and electricity itself in a digital age and should be treated as such!

I'm currently staying in Kenya and if you want to travel or transport goods for your business between the big cities, you don't only pay tax for the roads, tax for your car and so on - you also will be stopped multiple times and will be asked for a small bribe to reach your destination in time. If you don't pay you will be delayed and lose a lot of time on each checkpoint. It thoroughly slows down the development of this otherwise quite strong country. It is the same with net neutrality, you're paying to get access to it (which is fine of course!), but if companies start collecting additional fees from each point of data exchange you get the same situation. You will reduce innovation as only bigger already established companies are able to pay the bribes while you lose time everytime there is a checkpoint.

The internet should be treated as a utility! Access should be guaranteed for everyone (for a price which covers the costs and of course make a profit for the telco). But is not ok to create different classes of users.

I do really hope that you consider my thoughts and decide to strive for an open, innovative, strong Internet!

Best regards,
Frank Beutell

From: richterova.olga@gmail.com
To: [NN-Consultation](#)
Subject: A vote for zero rating influences my decisions online and discriminates between online services and applications
Date: 19 June 2016 00:37:49

BEREC Regulators

"Zero-rating" is a commercial practice imposed by Internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the Internet. A number of clear restrictions on zero-rating are included in BEREC's draft guidelines. However, those guidelines could be further clarified to ensure harmonisation in users' rights and simplify the work of the National Regulatory Authority.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital, only provides the minimum floor for regulatory intervention and not a maximum ceiling. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach as recommended by the guidelines is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice.

Sincerely,

Olga Richterová

From: [Carlo Sbudrega](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Abbasso Europa
Date: 30 June 2016 11:01:32

Bisogna eliminare l'Europa, sta impoverendo tutti, è una concezione di merda

From: [Jean Chevalier](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: About Internet neutrality
Date: 30 June 2016 23:13:54

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jean Chevalier, individual from France.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the character for a gouvernement to scan traffic and plug in "black box" on the internet for any reason. France allowed such device officialy for terrorism fighting reason.

But no one can ensure those devices are not used for any other purpose (spying or whatever). And no one can be sure futur governments will be respectfull people. A "Vichy Like" gouvernement is always possible and such gouvernement could use those informations to hunt down people comptared to their religious or political convictions. More over such device slow down traffic.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Specialised sevices is equal to discrimination. It should not be allowed.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No, never, for any reason, not even governments.

ISP work with data volume, electrons are the same when they cary informations what ever the source or destination.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Not at all.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

No.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Restrict the flow in node then the client is far from it is a reasonable traffic management measure if it can stabilize this connexion.

What information would you like to receive about the speed of your Internet connection? Upload/download flow, latency, percentage of packets lost (up and down), distance from DSLAM, and if any clamping is active.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

All those parameters should be estimated before the creation of a line using close neighbors statistics.

Contract should give a clear garanty for minimal flow/latency/packet lost.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services

cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
Jean Chevalier, a concerned citizen from Europe.

From: [Richard Jarry](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: About keeping the internet neutral
Date: 30 June 2016 18:01:03

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Richard Jarry

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Kind regards,
A concerned citizen

From: [Sebastian Niehaus](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: about net neutrality ...
Date: 08 July 2016 23:58:39

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Sebastian Niehaus

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
No

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
There should be no interference

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes

[NN#1v2]

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[SpS#1v2]

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[SpS#2v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial

practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”.

BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be

transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: q.lagisquet@gmail.com
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: About net neutrality
Date: 02 July 2016 22:57:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Lagisquet Clément

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Justin Scholz](mailto:Justin.Scholz@ec.europa.eu)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: About the net neutrality consultation
Date: 11 July 2016 00:16:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Justin Scholz

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: wouter.moraal92@gmail.com
To: [NN-Consultation](#)
Subject: All traffic should be treated equally - No Animal Farm
Date: 29 June 2016 19:49:13

BEREC Regulators

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please set out clear rules so that all internet traffic should always be treated equally, to ensure a leveled playing field for everyone, citizens and businesses alike, and to ensure safe communication is not hindered.

Thank you!

Sincerely,

Wouter Moraal

From: [Gabriel Lasquetty Mantilla](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: allow submission to BEREC
Date: 18 June 2016 00:38:57

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
GabrielLasquetty Mantilla

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Kai Piekenbrock](#)
To: [NN-Consultation](#)
Subject: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 28 June 2016 21:07:30

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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[ZR#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single

market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring

paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Burkhart](#)
To: [NN-Consultation](#)
Subject: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 16 June 2016 19:13:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Burkhart Ruster

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen
Burkhart Rüster
Burgallee 21, 61231 Bad Nauheim,

From: [Andreas Röderer](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Answer to Consultation
Date: 16 July 2016 03:22:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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My name/organisation:
Andreas Röderer

Is there a demand for specialised services? Which services should be allowed this special treatment?

No. Because any special service will result in limitations to the Internet.

New services will improve the whole internet while any special service can only improve itself.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

I can't think of any positive Impact that a specialised service may have to the Internet. Every specialiced Service will only improve the service itself, because the service is isolated from the the Internet and not part of it.

The possibility of special services will break the Internet apart. Making it less useful, less innovative, less powerful.

Should the ISP be allowed to monitor your traffic, including its content (e.g. through deep packet inspection) for the purpose of traffic management?

No, they shouldn't.

What information would you like to receive about your Internet connection, such as its speed, quality of service or how your traffic is managed?

At best, there should be no interference, no throttling or any type of management with my

data unless i say so.

What information would you like to receive about your Internet connection, such as its speed, quality of service or how your traffic is managed?

I'd like to know all relevant technical data about a product, i pay for.

[NN#1v2]

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[ZR#1v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Julien Henry](#)
To: [NN-Consultation](#)
Subject: Answer to the public consultation on draft BEREC Guidelines on implementation of net neutrality rules
Date: 26 June 2016 15:11:21
Attachments: [signature.asc](#)

Dear Sir, dear Madame,

I want to tell that some points have not been taken into account in the draft.

First, zero-rating (the fact to allow access to certain sites or applications without affecting a customer's allotted data usage) is used nowadays by some Internet access providers. This measure is violating net neutrality as some data is not considered the same as others.

Also, traffic throttling is in use and doesn't respect net neutrality as the data emitted by some services are intentionally slowed down whereas others are not.

These practices could lead some Internet access providers to offer a different navigation experience than the others. To go further, if all big Internet access providers are OK together to slow some services or sites down, it would mean that some parts of Internet would be, if not inaccessible, very difficult to access. This would be dangerous for expression freedom.

So, if zero-rating and traffic throttling are not forbidden in the guidelines on implementation of net neutrality rules, this would simply mean that net neutrality would still be a dream that is still not allowed by the BEREC.

Julien Henry
Latouille-Lentillac, France

From: ladilla_patas@hotmail.com
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Apoyo a Internet neutral
Date: 16 July 2016 14:26:57

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Javier García Padilla

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

Enviado desde móvil Outlook

From: ladilla_patas@hotmail.com
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Apoyo a Internet neutral
Date: 16 July 2016 14:23:55

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Javier García Padilla

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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[TM#1v2v2]

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

Enviado desde móvil Outlook

From: [Victor U.](#)
To: [NN-Consultation](#)
Subject: Berec & Net neutrality
Date: 07 June 2016 13:09:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

The Regulation allows specialised services only under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This cannot be the case with services that can also function on the open, best effort Internet. Furthermore, Recital 16 prevents specialised services from being used as circumvention of the general net neutrality traffic management rules. Any deviation from these safeguards to widen the applicability of the concept of specialised services would inevitably result in increased market entry barriers and thus weaken the innovative potential of the Internet as a whole.

The diversity and innovative capacity of the Internet ecosystem is built upon the low cost of innovation and low barriers to market entry. These principles ensure that from day one, every enterprise, startup or non-commercial service – no matter how small or well funded – has the potential to reach a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy is only ensured by an open, neutral and non-discriminatory Internet. When ISPs are allowed to interfere with the decisions of their customers by economic or technical discrimination, this essential freedom is lost. According to Recital 1 of the Regulation on net neutrality, the legislation has to be interpreted in light of these goals.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Economic discrimination (zero rating) interferes with my right under Article 3(1) to access and, in particular, to distribute information freely. When an ISP discriminates between providers of content, applications and services via an Internet access service by making them unequally accessible, this constitutes an arbitrary interference in the essence of my right. Furthermore, this practice restricts my rights under the Charter of Fundamental Rights (Articles 11, 15(2), and 16). Therefore, economic discrimination must not be allowed under the BEREC guidelines.

When ISPs are allowed to charge for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, to encourage their customers to increasingly use specialised services. This effect will be detrimental for minorities, disadvantaged people and startups that cannot afford special access to all networks in which they may want to reach customers, and the development of the free, open and innovative Internet ecosystem.

The Regulation has very clear rules on what constitutes reasonable traffic management. According to Article 3(3), all traffic management should be done in an application agnostic way, if possible. Class-based traffic management harms competition; it risks unintended damage to specific applications; it can discriminate against encrypted traffic; it creates uncertainty for content application and service providers; it stifles innovation; it can harm individual users, and can create regulatory overload. Therefore, applying class-based traffic management in situations where application agnostic traffic management would suffice is neither necessary, proportionate, transparent for the user, nor non-discriminatory.

Kind regards,
V́ctor Ubierna de las Heras

From: [Hans Jürgen Mosbach](#)
To: allow-submission-to-berec@consultation.savetheinternet.eu; [NN-Consultation](#)
Subject: Berec / traffic management
Date: 20 June 2016 18:07:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Quick-Line Cologne, Mosbach

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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[TM#1v2v2]

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guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Mit freundlichen Grüßen
Hans-Jürgen Mosbach

Quick-Line Kurier u. Transportdienste
H-J Mosbach e.K.
Niehler Damm 130
50735 Köln
Tel. 0049 221 976595-14 / 16
Fax 0049 221 976595-15 / 17
mob@quickline.org
www.quickline.org

From: [Phil Ellis](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC consultation - please keep Net Neutrality at the heart of your recommendations
Date: 20 June 2016 23:36:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Philip Ellis

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the

draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Thierry Beja](#)
To: [NN-Consultation](#)
Subject: BEREC consultation
Date: 15 July 2016 20:57:26

Dear Sir / Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[ZR#1v2]

“Zero-rating” is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC’s draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users’ rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get “free” access to others), this constitutes an arbitrary interference of users’ rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that “National regulatory and other competent authorities should be empowered to intervene” and “should be required, as part of their monitoring and enforcement function, to intervene” only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users’ right of Article 3(1) to impart information, and therefore materially reduce end-users’ choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is therefore logical that such practices be banned under the provisions of Article 3(2).

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services (“services other than internet access services”) under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the “normal” Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user’s Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user’s Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before “end-users” in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Kind regards,

Thierry Beja
(France)

From: [Francesco Troiano](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Berec consultation as advised from Mozilla
Date: 24 June 2016 18:13:44

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Francesco N Troiano

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Francesco N. Troiano

Dipartimento di Scienze Agrarie, degli Alimenti e dell'Ambiente
Università di Foggia
Via Napoli, 25
71122 Foggia



From: jans4711@spambog.de
To: [NN-Consultation](#)
Subject: BEREC consultation concerning net neutrality
Date: 08 July 2016 18:14:26

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? No; the "demand" is only on provider or service-providers side, the paying users doesn't have any advantages.

My name/organisation:
j. stiehl

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Voice over IP, Streams, Messaging. They are offered to make money with it; technically they widely can be integrated into normal internet traffic.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

For security reasons, it seems better not to integrate such services into internet, but into separated networks. In such a network, granted response times for security reasons (but not for paying reasons) can be specified.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Technically prioritised services shouldn't be offered via internet, but in separated networks. So there will be no need for specialised services over the internet.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes. Unprioritised traffic may additionally be slowed by providers or services side to enforce using payed offers.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Never; privacy of communication is one of the important rights of people in a free world.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? ISPs shouldn't be allowed to do so.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes, as this will cause traffic content monitoring.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

I don't see reasons for a "reasonable" traffic management. If internet's original architecture will be used (no centralized architecture!), traffic automatically avoids using slow routes.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

ISP's mostly give maximum speed values, but they aren't realistic, specially in times of heavy users traffic (i.e early evening)

What information would you like to receive about the speed of your Internet connection?
Real values of my internet connection's speed

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Provider should guarantee minimum quality values in their offer primary than maximum values. If they lowerd them, the user automatically should be freed from paying poor performing periods.

[NN#1v2]

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[SpS#1v2]

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incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

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[ZR#1v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Timmy P](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC Consultation
Date: 11 July 2016 04:09:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Tim Palazzola

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
None

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
Completely absurd scenarios of bandwidth usage, such as seeding many torrents or hosting a large FTP server

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?
Traffic management, commercial practices, technical conditions, what grounds are set for me, etc.

What information would you like to receive about the speed of your Internet connection?
Maximum/average speed, as well as reliability based around my area.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
Yes, even though it doesn't matter to some, it can be a deciding factor to those that care about their Internet. This information should be readily available on the provider's website and given upon request.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and

the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [pete.rust](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREK Consultation
Date: 02 July 2016 10:25:49

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREK net neutrality guidelines creation into consideration.

My name/organisation:

Peter Rust

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREK guidelines create a solid foundation for the protection of these principles. The enormous task BEREK was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter).

Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Thierry Beja](#)
To: [NN-Consultation](#)
Subject: BEREC consultation
Date: 15 July 2016 20:58:09

Dear Sir / Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[ZR#1v2]

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[SpS#2v2]

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Kind regards,

Thierry Beja
(France)

From: [Luc Schreiber](#)
To: [NN-Consultation](#)
Subject: BEREC Draft guidelines
Date: 12 July 2016 13:27:07

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Luc S

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Kind regards,
A concerned citizen

From: [jc et marielle charlaix](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC E U
Date: 24 June 2016 13:47:07

Provenance : [Courrier](#) pour Windows 10

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Jukka S. Rannila](#)
To: [NN-Consultation](#)
Subject: BEREC Guidelines on implementation of net neutrality rules / Jukka S. Rannila
Date: 21 June 2016 12:48:24
Attachments: [Net_neutrality_rules_BEREC_Opinion_Jukka_RANNILA.pdf](#)

Hi,

I attached PDF file of my opinion to this message - BEREC Guidelines on implementation of net neutrality rules

With kind regards,

Jukka S. Rannila

ID#2579

--

Jukka S. Rannila (mr)
jukka.rannila@netikka.fi
www.jukkarannila.fi

This email message and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. Any opinions presented in this email message are solely personal opinions of the author and opinions do not represent any legal entity. Unfortunately email transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses.

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From: [Gregor Hagedorn](#)
To: [NN-Consultation](#)
Subject: BEREC Guidelines on the Implementation by National Regulators of European Net Neutrality Rules
Date: 15 July 2016 11:59:57

Dear Madame, dear Sir,

With respect to the
BEREC Guidelines on the Implementation by National Regulators of European Net
Neutrality Rules:

1. The definition of Specialised services:

“services other than internet access services which are optimised for specific content, applications or services, or a combination thereof, where the optimisation is necessary in order to meet requirements of the content, applications or services for a specific level of quality” (ref. Article 3(5)).

is extremely broad, potentially encompassing all web services, be it scientific analysis systems, data portals, youtube or facebook.

2. I ask the Regulators to test their assumptions against previous test cases. Mobile telephone providers, at least in Germany have for many years actively prevented access to internet based services they felt were competing, like messaging or skype calls. In many instances I would not even have a classical phone number of my international scientific colleagues, but the it was impossible for me to contact them when mobile. I could connect the mobile data to the notebook and browse or download, but skype or hangout would quickly be handled in special ways by the providers. Clearly the purpose of this reduced service quality in the general area was to push the customers to use specialized services like their own voice-calling or SMS services to text.

I believe under the present rules this is always possible to argue, arguing with the quality of service the providers deem necessary, ignoring the choice of the customers.

Thus, we have made very bad experiences in internet access providers to not equally treat all internet traffic. From any standpoint in the regulation, it is always possible to create differences in the access experience, reserving new bandwidth only for "specialized services".

How will the regulation decide what is a Specialised services and what not? A few years ago, internet video providers with their bandwidth requirement would have been classified as specialized service, now it is accepted that this is just one of the many legitimate business model, with many players, on a standard internet connection. Even though big players will always dominate markets, the playing field towards the customers is level, and it is possible to provide video content from your own servers in museums or universities.

I believe the regulations with respect to specialized services need to be strict, especially exclude all business to customer cases.
Specialized services from business to business is a different matter, and would probably be possible to allow under regulation.

Sincerely

Gregor Hagedorn

--

Dr. Gregor HagedornMuseum für Naturkunde Berlin
Leibniz-Institut für Evolutions- und Biodiversitätsforschung
Invalidenstrasse 43, 10115 Berlin
+49 (0)30 2093 70370 (work)
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gregor.hagedorn@mfn-berlin.de
<http://www.naturkundemuseum-berlin.de>
<http://linkedin.com/in/gregorhagedorn>

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From: ann.batten
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC guidelines
Date: 16 July 2016 13:31:13

Ann Batten

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of

Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating

also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [leann_young](#)
To: [NN-Consultation](#)
Subject: BEREC Guidelines consultation
Date: 14 July 2016 20:05:15

Regarding the draft Guidelines on implementation of Net Neutrality rules as set out on June 6th.

I applaud BEREC on the guidelines thus far but am concerned that oversights (either deliberate or unintentional) will allow some organisations to exploit loopholes to their own advantage at the expense of net neutrality and equal access for all.

Please consider amendment of the guidelines in line with the Avaaz policy analysis included in the link below to ensure the guidelines are robust and truly fair for all.

<https://avaazimages.avaaz.org/GuidelinePolicyAnalysisPdf.pdf>

Kind regards,

L Sykes-Hooban,

UK

From: [Tony](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC Internet Neutrality Guidelines
Date: 06 July 2016 18:40:12

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Tony Winslade

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before

"end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Luca Tomasi](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: berec nec neutrality guidelines
Date: 06 July 2016 19:47:42

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?
no. there is no need for commercial practices. They should be treated as ways to maximize the profits of isp without actually improving their services

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

yes.

just look into any telecom italia practical commercial practices.

the most important is their monopoly over the infrastructure

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

no

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
an isp should be able to interfere only for absolute emergencies. think of street traffic where priority is given to ambulances or others public service veichles.

If i like to stream youtube videos with the traffic i buy from my isp, this should not concern the isp as it exists and is paid to provide a service and said service is an internet connection. if their means are inadequate because they sell too many subscriptions and cannot guarantee a minimum speed, they should be liable. not the customer.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

no

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

only one. the MINIMUM guaranteed download and upload speed

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

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[TM#1v2v2]

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Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [CJ](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality
Date: 01 July 2016 11:13:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Chris Jordan

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and

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[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [felix Bernacki](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality comment
Date: 15 July 2016 18:27:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Felix Bernacki / Security IT engineer

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
Yes, as long as the information gathered are treated anonymously and with a strict policy.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[ZR#1v2]

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Kind regards,
A concerned citizen

From: [Rick van de Wetering](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality concerns
Date: 11 July 2016 21:12:10

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Rick van de Wetering

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[SpS#2v2]

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Kind regards,

A concerned citizen

From: [Giuseppe Sammarco](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality Consultation
Date: 16 July 2016 01:25:56

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Giuseppe Sammarco

[NN#1v2]

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3)

of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-

competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Charles Baynham](#)
To: [NN-Consultation](#)
Subject: BEREC net neutrality consultation
Date: 15 July 2016 13:21:28

Dear Sir / Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

The internet is one of the few arenas where true equality exists and came into existence, remarkable, almost by mistake.

Regardless of how it happened though, this free, level playing field is one of humanity's greatest achievements. The movement of knowledge and the sharing of ideas across the world both contribute to the growing sense of global community, something that I believe it is our generation's duty to foster.

I strongly urge you not to bow to the pressure of commercialisation, to keep this ideal alive and unfettered by monopoly.

For this reason, I urge you to amend the current draft guidelines according to the following policy analysis:

<https://avaazimages.avaaz.org/GuidelinePolicyAnalysisPdf.pdf>

Yours,

Charles Baynham

From: [Bruce Beckles](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC Net Neutrality consultation
Date: 03 July 2016 06:30:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation: Bruce Beckles

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

My understanding of "commercial practices" is any practice by a provider that is not necessary for the smooth functioning of the network and which has, or could have, an impact on that provider's revenue stream. I do not believe that end users have any particular interest in such practices per se, since I believe end users are principally concerned with the quality of their experience of the service offered by the provider, rather than the specifics of the provider's service model.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

The only characteristics of "specialised" or "optimised" services that I can imagine would justify them not being offered over the Internet are security, safety, speed and reliability. That is, where the security, safety, speed or reliability required for the service cannot be provided (or cannot be guaranteed) over the Internet. In such cases, the service would need to be offered in addition to Internet access and using a dedicated channel or network.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Whilst there may be a demand for specialised services, I'm not aware of any that would be harmed by the principle of net neutrality, and am sceptical that any such services exist.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Any specialised service that can function as a replacement for Internet access services - even if not specifically advertised as such - could have

a negative impact on future innovation and openness of the Internet, particularly if it is offered at a lower price than more "general" Internet access services. Whilst there may be positive aspects of specialised services, they don't seem to be blindingly obvious to me, and so I would regard any such claims with a certain degree of suspicion.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

It's clear that commercial practices could limit my rights as an end user, since commercial practices which violated the principle of net neutrality - for which certain providers might well have an appetite - would limit my access as an end user to certain services and/or my freedom of expression and freedom of communication. For instance, zero-rating would cause the preferential adoption of certain applications/services at the expense of others; if those applications/services do not happen to be ones that I use, then my ability to access and fully utilise other services which I do use would likely be harmed.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No; clearly traffic monitoring is too open to abuse, as well as being an unwarranted invasion of privacy. In those situations where traffic monitoring is required for sound legal reasons, this should be decided by a court on a case-by-case basis.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

As little as possible, i.e. only to the extent that it is absolutely required to maintain the smooth running of the network, and without prejudicing one type of online traffic over another.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes, unless such discrimination was temporary, transparent and advertised well in advance.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

I would consider the temporary throttling of particular types of traffic which, at the time in question, were only being generated/consumed by a small number of the ISP's customers to be a reasonable traffic management measure, provided this did not become a common occurrence. Unreasonable traffic management measures could affect me by reducing my access to

certain sorts of online traffic at particular times of day on a regular basis - if there is an ongoing pattern to my times or types of restricted network access then I consider that to be unreasonable unless that pattern is genuinely not under the control of my ISP.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

I would need to know, in clear, non-technical language, about any technical conditions imposed by or for my Internet connection, as well as my ISP's traffic management practices and any commercial practices it engaged in.

What information would you like to receive about the speed of your Internet connection?

The minimum, maximum, median and arithmetic mean available speeds of my connection over a specified time period in a user friendly way, for example by using an appropriate diagram or graph.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

All technical parameters should be described in clear language, with concrete examples that are easily digestible by the layman. In particular, the likely effect of these on common applications (VoIP, gaming, streaming video, P2P networking) should be clearly described in non-technical language.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service - regardless of their size - has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees. Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users".

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice

of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically, regardless of their scale and the market position of the players involved, interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to guarantee the continued functioning of the Internet ecosystem as an engine of innovation. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

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for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Kind regards,

Bruce Beckles,
A concerned citizen

From: [Norbert Rüschemdorf](#)
To: NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 16:37:06

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name:
Norbert Rüschemdorf

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or

general quality of Internet access services for end-users.”

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[ZR#1v2]

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However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Norbert Rüschenndorf
Hähnelstr. 20
12159 Berlin

Tel: ++49 (0)30 8520454
Mobil: ++49 (0)152 377 568 51

From: [Roland Schenke](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines - stakeholder comment
Date: 08 July 2016 22:54:08
Attachments: [signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Roland Schenke

[NN#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Roland Schenke
Trappentreustrasse 41
D-80339
Muenchen
roland.schenke@posteo.de

From: [Richard Casbolt](#)
To: [NN-Consultation](#)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 11:19:38

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Richard Casbolt

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Richard Casbolt
UK

Recycle-logo



From: [Gross, Michael](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 11 July 2016 09:16:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised

services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen
Michael Groß

From: diriderridari
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 08 July 2016 09:20:57

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Martin Schmalzriedt

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen
Martin Schmalzriedt

From: [Francisco J. Expósito](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 01 July 2016 10:35:56

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Francisco Exposito

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to

“guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [David Bugby](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 16 July 2016 16:25:57

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

David Bugby

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1) (d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Keith Osterloh](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 16 July 2016 14:51:54

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Keith Osterloh - private EU and UK citizen

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen



This email has been checked for viruses by Avast antivirus software.

www.avast.com

From: [Robert Alexander](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines comment
Date: 30 June 2016 00:23:48

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Anthony Adams](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines consultation
Date: 01 July 2016 18:56:15

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

A Adams

Retired

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
ISP should not be allowed to interfere with my traffic

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
ISPs cannot manage traffic in a way which would block, alter, slow or throttle access to any specific application, service or content. In short, discrimination should not be allowed.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

I enjoy talking to my children using WIFI. I do not want this to be delayed.

What information would you like to receive about the speed of your Internet connection?
I would like to monitor my speed so that I can identify the best time to use the internet.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

I should be provided with information regarding possible issues arising when you use VoIP applications, such as videos delays or sounds effects.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national

regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it. you should be provided information regarding possible issues arising when you use VoIP applications, such as videos delays or sounds effects. Basically, you should have the information you need in order to make reasonable assumptions about the quality of the service available for your particular priorities

Kind regards,
A concerned citizen

From: [Raphael Rispal](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines creation into consideration.
Date: 17 June 2016 11:31:53

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Raphael RISPAL

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: bastian.beekes@gmx.de
To: [NN-Consultation](#)
Cc: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines creation
Date: 11 July 2016 11:16:59

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?
No.

My name/organisation:
Bastian Beekes

Should ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
No. They should provide appropriate bandwidth and leave the LAN traffic management to the end users web router

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Not at all. they should provide a connection fast enough for every service and leave the prioritisation to my web router

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes. If they do their job, I can prioritise myself.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

If the network's capacity is appropriate, there is no need for special measures

What information would you like to receive about the speed of your Internet connection?
Average speed, guaranteed minimal speed, percentage of time the speed is between minimal speed and the middle of minimal and average speed.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
Yes

[NN#1v2]

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that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Bernhard Bockelbrink](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines creation
Date: 10 July 2016 22:55:30

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Bernhard Bockelbrink

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They

cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is

logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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A concerned citizen

Bernhard Bockelbrink -- +49 (0) 177 721 35 50
@b_bockelbrink

Co-founder of <http://sociocracy30.org>
My blog: <http://evolvingcollaboration.com>

From: [Michael Resonnek](mailto:Michael.Resonnek@ec.europa.eu)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 09 July 2016 21:15:16

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Michael Resonnek

[NN#1v2]

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[TM#1v2v2]

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Kind regards,

Michael Resonnek

From: [Bill Smith](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines creation
Date: 08 July 2016 21:03:12
Attachments: [signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

No, I don't. Zero rating allows the provider to discriminate between online services and thereby restricts open and free (as in freedom) access to the Internet and hinders new services and innovative companies to gain market share.

My name/organisation:

William Smith

What other "specialised" or "optimised" services (that can be given specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

The important point is that services that could be offered on the open, competitive internet are not re-categorised as "specialised services" for anti-competitive reasons, like e-health (what in most cases doesn't require a "specialised services").

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Specialised services should and must not include regular content and services readily available -- or capable of being made readily available -- across the Internet. It's important to stress that the important point is that services that could be offered on the open, competitive internet are not re-categorised as "specialised services" for anti-competitive reasons.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Specialised services which is just a euphemism for allowing some services to have a "fast lane" hamper other properly new, younger and maybe more innovative companies to gain access to their customers, i.e. specialised services (offered by companies well-established and might have a dominating market position. eg the former state owned telephony companies like Deutsche Telekom) have an advantage and will hamper innovation and thereby limit Europe's competitiveness and innovation capacity.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

If a commercial practice creates disadvantageous conditions then it is

not only a violation of user rights, but also of the core principles of economic competition.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No, even the very concept is Orwellian and a step to even more invasive surveillance measures.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

He shouldn't be capable at all, because this just opens the door for the ISP to push for him to sell additional services and hinder other maybe more innovative services to emerge and to gain marketed share, ie it undermines netneutrality, to the detriment of free speech etc.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Generally, all traffic should be treated equally but in very limited circumstances "Quality of Service" as to be ensured but not in a way that discriminates against other traffics in the same category, ie VoIP services from company A should be more privileged than VoIP services from company B. ISPs should not be allowed to manage traffic in a way which would block, alter, slow or throttle access to any specific application, service or content. In short, discrimination should not be allowed.

What would you consider to be "reasonable" traffic management measures?

How can "unreasonable" traffic management measures affect you as a user?

Please, provide examples.

In the case of congestion, temporary traffic management might take place but it should remain "application-agnostic", ie. that less time critical traffic like http/https-data (Websites) might be discriminated against more time critical data like VoIP, but VoIP traffic from company A should be prioritized against VoIP traffic from company B. This doesn't require new instruments and is already practiced under QoS. If congestion is recurring, the operator should enhance its network capacity and must not rely on this exception.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Technical jargon or legalese used in contracts must be avoided to ensure clarity. However, discriminatory behaviour does not become less discriminatory simply because the provider is "transparent" about it in the consumer contract. Transparency is only one of the criteria needed to ensure that you enjoy unrestricted access to the internet and not being misled by an ISP.

What information would you like to receive about the speed of your Internet connection?

ISPs should tell the average available speed of their connection with a specification of the maximum and minimum speed in a user-friendly way, for example via a diagram or image. This means that the Internet provider should not be allowed to display the maximum possible speed as being generally available, as this would be misleading about the actual speed that is normally available.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency,

jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

ISPs should provide information on quality of services parameters in very clear language in all contracts. For instance, ISP should be provide information regarding possible issues arising when someone uses VoIP applications, such as videos delays or sounds effects. Basically, someone should have the information he or she needs in order to make reasonable assumptions about the quality of the service available for someones particular priorities (gaming, video, etc)

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

William Smith

From: [Erwin Werkman](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines creation
Date: 07 July 2016 09:42:27

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Erwin Werkman

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Kind regards,

A concerned citizen

From: [Harko](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines creation
Date: 02 July 2016 12:54:53

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Mario Jiménez Espina

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
Not at all. It's like opening someone's letter to check if it is a personal or business one. It should be banned and punished.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
It seems reasonable, to a certain degree, prioritising real time traffic over other types of communications, but never de-prioritising. Nevertheless this could be easily abused, so for it to be applied it should be regulated and only should be prioritised in a very small degree.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Of course. I could have a server of my own and my service to antipodes could be penalized by this kind of practices.

What information would you like to receive about the speed of your Internet connection?
Max/Min/Mean and median (both upload and download).

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
They should describe it by providing max, min, mean and median for each one. Also referring when possible the geographical area.
These values could be defined by contract by indicating minimum and maximum values for each one. But at least a minimum should be granted no matter of the contract type.

[NN#1v2]

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Kind regards,
A concerned citizen

From: [Philippe Roget](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 01 July 2016 21:24:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Philippe Roget

[NN#1v2]

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A concerned citizen

From: [Rémi Ruff](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 30 June 2016 21:49:14

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Rémi Ruff

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation

guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

L'absence de virus dans ce courrier électronique a été vérifiée par le logiciel antivirus Avast.
<https://www.avast.com/antivirus>

From: [Bruce Comax](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 24 June 2016 16:17:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Bruce Comax
DETA-Str. 22
D-37431 Bad Lauterberg
Germany

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The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Kind regards,
A concerned citizen

From: [Ian Stewart](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines creation
Date: 19 June 2016 18:08:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Please treat this comment confidentially and don't publish it.

Kind regards,

Ian Stewart

From: [Mark A. Jansen](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines creation
Date: 16 July 2016 13:35:20

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

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[SpS#2v2]

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

Mark Jansen.

From: [Sabine Langhans](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines creation
Date: 19 June 2016 12:05:25

Dear Sir or Madam,
Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Sabine Langhans

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a

commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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Kind regards,
A concerned citizen

Sabine Langhans

From: [George Varelas](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines creation
Date: 17 June 2016 23:52:44

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
George Varelas

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: olaf@koeslich.de
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 17 June 2016 19:33:56

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

"Specialised" services shall be like dedicated lines. The Users of the service (both sides together) shall decide if they need such a "dedicated line". It must not be the access provider to decide whether data should be transferred with "specialised" services

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

There is no specialised service i can think of where the access provider should decided if it's needed or not. Always the user and the provider of a service might decide if they want a dedicated line.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

"Specialised" services will increase the temptation of access providers to not increase bandwidth for normal access but only supply more bandwidth by usage of specialised services.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

An ISP must not use DPI for management. The monitoring of the amount of packets is enough.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

The ISP shall not interfere with my data. If i've bandwidth problems it's my issue. The ISP should be able to offer me a bigger access.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Quality and speed should remain consistent regardless of the type of content being accessed.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

"reasonable" may be throttling of bandwidth independent of content if the ISP-Backbone has problems.

"unreasonable" measurement:

Consider the ISP has problems with Backbone bandwidth and he prioritises video streaming above eMail. If i send a huge eMail (Construction plans) from my business why should this be delayed when someone else watches a music video.

If the ISP has bandwidth problems with his backbone he should reduce/delay data independent from content.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Information about real up- and download-bandwidth of my connection. Not only possible values.

Any other information is useless. If the provider sells an amount of connections he must provide a backbone which can handle this. Surely the ISP will do some statistical-calculation to not provide a backbone which can handle the worstcase of the sum of all connection bandwidth but like with telephony there must be a reasonable high availability of the bandwidth. Like my telephone line which is available at least 99,9% and has a probability for getting a connection of 97%.

[NN#1v2]

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[SpS#2v2]

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Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Jean Devis](#)
To: [NN-Consultation](#)
Cc: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines creation
Date: 17 June 2016 16:10:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jean DEVIS

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum

bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of

authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Kind regards,
A concerned citizen



L'absence de virus dans ce courrier électronique a été vérifiée par le logiciel antivirus Avast.

www.avast.com

From: [Luca Zoletto](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 16 June 2016 14:26:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Luca Zoletto

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

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[TM#1v2v2]

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guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Giuseppe Sacco](mailto:Giuseppe.Sacco)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines creation
Date: 16 June 2016 00:47:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Giuseppe Sacco

gsacco@gmail.com

From: flemming.martin@gmail.com on behalf of [Flemming Martin](#)
To: erst@erst.dk
Subject: BEREC net neutrality guidelines creation
Date: 13 June 2016 14:11:14

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Yes from some and then will this majority remove the diversity of the Internet offers.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

For environmental and security reasons (limit killed by media of transport) increase use of exciting transport capacity by giving priority to Internet communications between media of transport and mobile handheld devices (Smartphones).

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? Only health / safety issues could get priority.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Everything should be in contract.

[NN#1v2]

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minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to

distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Matthias Metzger](mailto:Matthias.Metzger@savetheinternet.eu)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 15 July 2016 18:29:05

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?
Rather than a "commercial practice" this appears to be an instance of a specialised service dressed up to look like something else. It comes with the same negative implications.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers?
What are the characteristics of such services that would justify the fact that they are not offered over the internet?
Any cap on internet access beyond the functional limits of the ISPs hardware is an artificial limit imposed on customers. Such limitations have no other purpose than to earn ISPs more money to the detriment of their customers.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
In many cases services that transfer data via the public internet should actually have been limited to their own physical network. Arguing that such services should have special conditions in competition with other public internet services misses the point. Such services should be physically isolated from other networks for security and privacy reasons.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
Services that offer better access for customers due to preferential treatment of their traffic skew the market and limits competition in favor of monopolistic businesses. This reinforces a pattern of rich getting richer by how they leverage their resources.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
Any regulation on behalf of my ISP that differentiates the cost of communication emphasises and thus motivates specific types of expression over others. Customers will modify their expression to fit within areas which ISPs and their commercial partners want to emphasise for commercial or ideological reasons that are not transparent to their customers. This is a terrifying prospect for any person who takes their freedoms seriously.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
No. Building on the fact that any limitation, analysis or shaping happens solely for the benefit of ISPs and their partners and not their customers, such methods should not be allowed.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
ISPs are in the business of moving bits from one network location to another. Any interference beyond that should be disallowed unless specifically requested by a customer. Violating this basic premise is similar to postal service employees opening letters in transit to better serve the sender and recipient without their consent or knowledge.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes. The quality of services like video chat and online gaming are very sensitive to delays. Thus freedom of choice in such categories are impacted by such interference. Sophisticated methods such

as delaying traffic for all intents and purposes falls in the same category as other traffic shaping measures. And the definitions for when, how long and how often it is allowed to impart such actions of traffic comes with so much flexibility and so little oversight that ISPs are basically left to do what they wish.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

In my previous answers I have argued that any traffic shaping is unreasonable. It has widespread negative impact on customer behavior and commercial competition. It narrows freedom of choice and action without transparency of the motivations behind its application.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Legal requirements and transparency of operation goes hand in hand. Make laws that prohibit any kind of tampering with traffic and require ISPs to document that no such methods are being employed in their network. Prosecute companies that are in violation of the law.

What information would you like to receive about the speed of your Internet connection?

Ideally I should not need information about the speed of my internet connection, because ISPs should not be allowed to impose artificial network limitations such as capping speed or shaping traffic.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Determining how the parameters should be described is meaningless if there is no system in place to monitor and document that these goals are indeed being met and how much of the time that is the case. In any case, authorities should be able to prosecute companies that fail to meet the goals set in contracts with customers without compensating them for loss of functionality.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum

bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet. It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines. There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2). Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2). In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic

management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Konrad Beckmann](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 15 July 2016 15:31:39

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

My name/organisation:
Konrad Beckmann

Is there a demand for specialised services? Which services should be allowed this special treatment?

If any, then life critical emergency service.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

It might lead to more services requesting priority treatment, which is a bad thing.

Is there a demand for "commercial practices" such as zero-rating? Could these limit your rights as an end-user? Please provide examples.

They are used to force-feed us.

Should the ISP be allowed to monitor your traffic, including its content (e.g. through deep packet inspection) for the purpose of traffic management?

No.

What information would you like to receive about your Internet connection, such as its speed, quality of service or how your traffic is managed?

Not at all.

What information would you like to receive about your Internet connection, such as its

speed, quality of service or how your traffic is managed?
Would be interesting to see if you are being throttled / down prioritized.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

The Regulation allows specialised services only under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This cannot be the case with services that can also function on the open, best effort Internet. Furthermore, Recital 16 prevents specialised services from being used as circumvention of the general net neutrality traffic management rules. Any deviation from these safeguards to widen the applicability of the concept of specialised services would inevitably result in increased market entry barriers and thus weaken the innovative potential of the Internet as a whole.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

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[TM#1v2v2]

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encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Michael Jentgens](mailto:Michael.Jentgens)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 15 July 2016 13:49:05

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Michael Jentgens, Brahmstr. 12b. 53121 Bonn, Germany

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation

guarantees.

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Dan Jackson](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 15 July 2016 11:39:10

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dan Jackson

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation

guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Rüdiger Otterpohl](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines creation
Date: 15 July 2016 11:39:09

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Dipl.-Volkswirt Rüdiger Otterpohl
Management & Beratung

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

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service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Kind regards,

A concerned citizen

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Dipl.-Volkswirt Rüdiger Otterpohl
Management & Beratung

Wertherstraße 62 * 32130 Enger * Deutschland

Tel.: 05224 / 69848 * Mob.: 0171 / 68 13 599 * Fax: 05224 / 1899

mailto:ro@rotterpohl.de * <http://www.rotterpohl.de>

From: [Henning Riedesel](mailto:Henning.Riedesel)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 15 July 2016 11:06:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Henning Riedesel

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?
At the end costs for apparently free offers are already hidden in the regular fees I pay as a customer. Zero-rating is misleading to the users as they actually are charged for a service without knowing it.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
From my experience with internet technologies I am sure that even critical "high availability" or "in time" connections can be established using conventional internet technology without any need of prioritization of traffic.
Even with growing demands in capacity and speed the technical progress will compensate this. There will be no need to privilege services

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
This would be a clear violation of my personal rights. I don't see that anyone should have access to my privacy without my explicit knowledge and agreement

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.
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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Maximo Fraga](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines creation
Date: 15 July 2016 11:04:55

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Máximo Fraga

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Stefan Dresselhaus](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 16 July 2016 16:21:42
Attachments: [signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

From the end-users point of view there is clear demand for such services. But i doubt that this would be in any way compatible with things like "cartel-law" - where no business with such a marked dominance can exist, that hinders the free market.

Preferring \$Social_Network1 over \$Social_Network2 by having zero-rating is not compatible with a free market where every business has the same opportunity to get customers.

My name/organisation:
Stefan Dresselhaus

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Any service requiring guarantees that the internet as a whole cannot give (such as 100% availability, where disconnects or delays would have life-threatening consequences). The internet is not built to be reliable - although it does a good job at it.

Connections or Services that need a guaranteed connection cannot be part of the "normal" internet and need a whole new infrastructure.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

There is no demand for such services at the moment. Connected cars **MUST** work autonomously at any time without accident. Internet on these devices would just be an "addon" with no special needed guarantees.

E-Health (or other) would be critical on internet-failure - but the protocol of the internet allows for arbitrary delays and even drops in package-delivery. Such a service **CANNOT** be offered over such a medium but need a dedicated infrastructure seperate from the internet.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

None. Services that need a critically reliable connection should not use the internet.

Having a "fast lane" only hinders the free market.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

We already have the situations that most ISPs in the mobile sector limit your access to the internet.

They sell you access to the "Internet" - but as soon as you try to use Internet-Services like VOIP they can terminate your connection because you should use their "phone service" and not some VOIP-Solution.

Things will only get worse.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No. Not the content and only statistics about routing for traffic management. This explicitly excludes metadata as well.

An ISP should only react if problems with the quality exist (i.e. an malicious attack on certain nodes on the net).

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Not at all.

In many cases i cannot choose the type of online-traffic. I.e. many games update their software via a p2p-model and i don't want to get a worse download-rate than when i download it directly from the distributor of that software.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Who defines time-sensitivity? I can tell any software to modify the packets that go out to be "super time sensitive" to get the best performance for me.

What would you consider to be "reasonable" traffic management measures?

How can "unreasonable" traffic management measures affect you as a user?

Please, provide examples.

Reasonable traffic management is only the effort to find and eliminate bottlenecks, faulty hardware and other issues regarding the normal flow of packets.

Unreasonable traffic management is anything that needs a metadata-analysis or even deep-packet-inspections.

Both would affect me as a user of internet services and as provider of internet-services. I expect that when i pay my server (with access) and i pay my access on my device that i should get the best possible connection between my own devices proportional to the load on the connection i use.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Availability, minimum guaranteed bandwidth, no DPI, good Pings/few hops to backbones like DE-CIX, no "traffic shaping", no packet losses.

What information would you like to receive about the speed of your Internet connection?

minimum guaranteed speed, availability in the past months/years, ping-statistics to backbones, statistics on packet-losses.

All in a realtime-manner and in graph-form as well as raw data in a reasonable format (json, csv).

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these

parameters be defined in the contract? If so, how?

ISP should communicate when which services are reasonable to use. I had problems with ISPs keeping up with demand in rush-hours (19-24h), so that realtime-applications like ego-shooters were not usable due to packet-losses.

There should be rough categories in the contract with concrete parameters. Categories could be things like "Surfing", "Video-Streaming", "Gaming", "Realtime-Gaming" and when these services are guaranteed.

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Sebastian Mast](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines creation
Date: 16 July 2016 14:52:15

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view? The content providers can artificially create this demand by limiting download volumina. If you have enough download volume at a reasonable price, there is no need for zero rating

My name/organisation:
Sebastian Mast

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
None, spend the money and effort to ensure speed and reliability of the "normal" internet (which is quite good already in both aspects)

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
The industry itself sais that the "normal" internet is sufficient. As a professional I say the same

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
it means more power to the provider and less power to the consumer and content industry

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
it could force me to use the services that are privileged by the provider. He chooses what I use, not me. Big content companies that make deals with providers will have a substantial competitive advantage against smaller companies that dont have the money for that

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
With more and more traffic being encrypted it's futile anyway. I also have privacy concerns.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
He should not interfere. He should provide a general and reliable infrastructure. It is working like this today and the ISPs seem to make enough profit with it

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

All these informations

What information would you like to receive about the speed of your Internet connection? My router shows the real speed. Transparency and customer satisfaction would be higher if the ISP would be honest

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
In a standardized, comparable manner

[NN#1v2]

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [1st Citizen Lawyers](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC Net Neutrality Guidelines Request
Date: 17 June 2016 22:05:55

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
MF Sharif, 1st Citizen Limited, Birmingham, UK

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen



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From: [Jesse Ashmore](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC Net Neutrality Guidelines
Date: 05 July 2016 16:00:23

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Aaron Jesse Ashmore

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Christian Blumberg](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 15:21:39

Dear Madam or Sr,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Net Neutrality is an important cultural resource, it may not be sacrificed to particular economic interests.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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a citizen.

From: [Evrard, Benjamin](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 15:13:36

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? No, such practices encourage discrimination on the Internet and should be banned.

My name/organisation:
EVRARD Benjamin

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Zero-rating towards defined services could be used to re-introduce monthly data transfer caps on currently unlimited connections, therefore encouraging user to use those zero-rating services instead of alternatives. This goes against the foundations of a de-centralized, peer-to-peer, open and transparent internet. Moreover, centralization of Internet use to a limited subset of actors empowers them dangerously with our data.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No, this is completely unacceptable. The same way post offices are not allowed to inspect the content of mails and packages they transport, ISPs should not be allowed to use DPI. Under no circumstance should this be acceptable.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Not at all.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes. There's no reason why, being provided with the same package as my neighbor, he would get prioritized traffic over mine because of content. ISPs should provision enough network capacity to deliver the internet access they sell to their customer.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Detailed QoS policy if applicable

Detailed filtering policy if applicable (some ISPs block ports such as 25 and 80 for the "user's sake". The user should be the one to determine what's blocked or not on his connection, or should at least get the possibility to disable those filtering policies)

Detailed information about network peerings with other ISPs / bandwidth providers, including

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services

cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating

infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Lars Huerter](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 13:40:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Lars Huerter

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
None, but they are already doing it w/o a legal basis currently.
I'm afraid this is getting much worse as soon as they are legally allowed to.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes. I strongly believe so.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
There's no reasonable traffic management. They shouldn't have the need for it in the first place.
If they can't do it w/o they shouldn't sell a certain bandwidth upfront.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?
Clear statements about traffic management and guaranteed bandwidth and response time.

What information would you like to receive about the speed of your Internet connection?
Guaranteed bandwidth and avg, min, max response time.

[NN#1v2]

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Kind regards,
A concerned citizen

From: [Miltos Karanassos](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 12:56:22

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

There is no need for “commercial practices” such as zero-rating, from the end users’ point of view. If the total bandwidth is inadequate, then internet providers have to adjust by providing extra bandwidth in order to remain competitive themselves.

If there is demand for specialised services then this should be provided as a separate service which does not impact on the open internet.

E-health might be considered as a special case as it impacts and may benefit all of us, but a special consultation should be made for this before any exception is made. Connected cars are products and if consumers decide to buy and use them then they should consider and have to pay for any required connected service and bandwidth required which in any case should not have any impact on the quality of service provided to the vast majority of users. Allowing any prioritising of bandwidth or throttling of other connections to provide the necessary bandwidth connection for e-cars gives the companies making these products a competitive advantage over others, provides a platform which is difficult to monitor and enforce and creates opportunities for abuse.

Commercial practices could limit my rights as an end user.

Why should my internet connection be throttled because of and in order for someone else to use a "favoured" app (e.g. Spotify) or because some car company is producing a connected car? Internet users who do not use such "favoured" products would in effect be subsidising users of such products and the companies that make/provide them!

Deep packet inspection may be useful in certain situations such as to investigate problems with connections, abuse of the open internet, spam and terrorism. But it also threatens the openness and neutrality of the internet, so its use should only be allowed in clearly defined situations and restricted only to these uses and certainly not in general traffic management.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? They should not be able to interfere at all with my internet connection based on the type of traffic going through my connection. All traffic should be treated equally without exceptions!

Would your freedom be limited My freedom would be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity. No discrimination should be allowed.

If companies interfere and restrict or limit access to specific points on the Internet, this will have an obvious impact on our freedom of choice and access to information. The Regulation clearly states that traffic management must be reasonable and only last as long as necessary. If congestion is sudden and temporary, traffic management can take place, but it must remain application-agnostic. If congestion is recurring, the operator should enhance its network capacity and must not rely on this exception.

BEREC should require ISPs to use a common terminology in order to foster transparency about how traffic on their networks is managed. Your ISP should tell you concrete examples on how it manages traffic and provide information about how their traffic management practices are limited in time and scope and executed on a necessary and proportionate basis. Technical or legal jargon used in contracts must be avoided to ensure clarity. However, discriminatory behaviour does not become less discriminatory simply because the provider is 'transparent' about it in the consumer contract. Transparency is only one of the criteria needed to ensure that you enjoy an unfettered access to the internet and you are not misled by your ISP.

ISPs should tell you the average available speed of their connection with a specification of the maximum and minimum speed in a user-friendly way, for example via a diagram or image. This means that your Internet provider should not be allowed to display the maximum possible speed as being generally available, as this would be misleading about the actual speed that is normally available.

ISPs should provide information on quality of services parameters in very clear language in all contracts. Concrete examples should be provided to help users understand the practical impact on their Internet access service. Internet access service is a publicly available electronic communications service that provides access to the Internet, and thereby connectivity to virtually all end points of the Internet, irrespective of the network technology and terminal equipment used. Users should be provided information regarding possible issues arising when you use VoIP applications, such as videos delays or sounds effects. Basically, you should have the information you need in order to make reasonable assumptions about the quality of the service available for your particular priorities (gaming, video, etc)

[NN#1v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Matthias Hörmann](mailto:Matthias.Hoermann@netze.at)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 11:47:19

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

Zero-rating is nonsense if you do not limit data transfer by some sort of quota system. There is no real world equivalent since the amount of data is the same either way. Due to basic economic principles not charging for one sort of traffic is the same as charging extra for all other traffic, prevention of this is at the very core of what net neutrality is all about.

My name/organisation:
Matthias Hörmann

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
Point to Point connections between multiple sites of the same company/multiple companies sharing an internal network for a project (to guarantee a specific bandwidth not available via VPNs)

Mobile emergency service or police communication so it won't be overwhelmed by panicked communication attempts in large scale disasters.

E-Health or car connections or similar life-threatening services should be designed to handle disconnects or bad latency and with a minimal area of attack anyway since those can't be guaranteed to be absent in any wireless communication so there is no point in creating specialized services for them.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
Defining specialized services to be separate from internet communication would create loopholes in any net neutrality legislation. It should be limited to the services where it is absolutely necessary, not just be allowed for commercial interests.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

An ISP could offer a streaming video service limiting their movie selection to movies agreeing with their political or religious,... world-views. Other services could not compete on equal grounds with this service since it has the unfair advantage of free bandwidth.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

ISPs should only be allowed to inspect the Type of Service bits in the IP headers for this kind of purpose (or measure the amount of data of course). Deep packet inspection has an incredibly bad track record of breaking innovative new protocols when used for filtering and is an invasion of privacy in general.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

They should be able to prioritize streams of data (TCP connections) by the type of service bits included in the packet. They should be able to do round-robin scheduling so large streams do not drown out smaller ones when limited bandwidth is available. They should be able to do token-bucket-filtering per connected customer but not for individual types of online traffic.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Not as long as they do it for all traffic, not just that of their own services.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Reasonable traffic management is to limit the total number of bytes, packets or streams a single customer can create. Unreasonable traffic management would be the blocking of access to certain protocols or IP ranges, especially when done prior to any offense by that customer.

Unreasonable traffic management could .e.g block Filesharing protocols which can be used for legal means like downloading large legal files (Linux ISO, data dump Wikimedia,...) just because the customer is actually using the bandwidth promised in the contract with the ISP for once.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

ISPs should be required to give potential customers access to the same guidelines they give to their own technical staff (or that technical staff implements in software) for traffic management. Commercial practices should have to be disclosed.

Existing customers should be informed about any restrictions placed on their connections.

What information would you like to receive about the speed of your Internet connection?

I would like to receive the same information about the last mile speed formula as ISP technicians to judge the likelihood I am going to get the full speed.

I would like "up to" advertising to be banned.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Latency should be described to some well-known data center locations (e.g. Frankfurt in Germany) where most servers for the customer's area are likely to be located.

Packet loss and similar measurements should allow the customer to terminate the contract if they last for an extended period of time (shorter for commercial connections than home connections).

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to

ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines. There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU

Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter).

Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Bruce Jackson](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 11:39:03

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Commercial practices is a smokescreen for activities which do not benefit the end user, but are either an attempt to increase revenue or lock users into a service.

My name/organisation:
Bruce Jackson / Myriad Group AG

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
ISPs can offer services like parental controls. These service should not form part of the data pipe provided to the home, but could be additional to the pipe.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
For there to be widespread adoption of these types of service, they should not be a bundled part of the internet service provision package.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
All negative - telecoms companies have shown scant regard for the end user when bundling services. These are almost universally provided with the intention of creating some kind of lock-in to end users.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
Of course - it might be commercial practice for an ISP to have a deal with a provider of online streaming music, for example, but if that's not the service I will still ultimately be paying for this in my bill/charges.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
ISPs have to be allowed to route traffic based on demand. However, technically this does not require inspection of traffic.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
They shouldn't. A user pays for a service by connection speed, and expects to be able to access services on the Internet uniformly. Changing the rules around this puts the Internet back on the footing it had circa 1997.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

It isn't up to an ISP to decide what and how I access the services I wish to use online.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Reasonable traffic management is the ability for an ISP to make network choices based on volume of traffic only to optimise the performance of the data passing THROUGH their infrastructure, and not based on either the source or the destination of that traffic.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

It should be a case of knowing the cost, the maximum and minimum and average data rates for upload and download.

What information would you like to receive about the speed of your Internet connection?

See above

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

End users should not be expected to know these things. Ultimately, all of these matter combine to provide an effective data transfer upload/download speed. Users need to know what the max/min and averages are.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their

data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for

sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Alexander Sonntag](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 11:22:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Alexander Sonntag

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation

guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Guillermo Gozalbes](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 11:13:59

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Versus Soft S.L.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services

and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of

their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation".

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Guillermo Gozalbes
Versus Soft S.L.
C/ Eslovaquia S/N. Oficina 3.4
Parque Empresarial de Poniente
11011 - Cádiz

Tlf: **902 876 242** - +34 856 925 230 - +34 956 254 522

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Twitter: @GuillermoVersus

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From: [Kim Trolle Wadum](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 11:00:23

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Kim Trolle Wadum

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? Only for public safety in emergencies.

[NN#1v2]

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Kind regards,
A concerned citizen

From: [Daniel Lohse](mailto:Daniel.Lohse)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 10:21:55
Attachments: [signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Daniel Lohse

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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Kind regards,
A concerned citizen

From: [Nigel Nop](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 16 July 2016 11:17:35

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jannis Stachowiak

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

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The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Clement Mensah](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 14 July 2016 14:36:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name is Clement Mensah

[NN#1v2]

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From: [Ulrich Siebald](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 12 July 2016 19:21:52

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Zero-rating and better data delivery seems to be nice for customers at first look, in the end this will rule out competition, which will make it more expensive with reduced offers even in mid-term perspective.

My name/organisation:

Ulrich Siebald / end-user, Software-Architect

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Internet access providers should be forbidden to provide additional services. This just leads to a competition to keep competition out of their net, leading to discrimination of their customers. If they want to offer additional services, they should found independend companies that are not related to any internet access provider in any way.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Up to now - no. Connected cars do not need this - the statements of car manufacturers were very specific in this point. E-health won't need this either. The only case where this could be interesting at all would be a non-autonomous robot for operating people that is handled through a remote connection. While possible in theory, there are no plans for this, and there would be less acceptance than using fully automated robots. Often x-ray image transfer is used as argument - but this argument is just wrong.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Positive: Big internet access provider will increase their stock value... Nothing more!

Negative:

Internet access provider will make competition much more expensive, so less competition will exist. This will be payed by customers in the end. There will be less pressure for investing money, because they lock-in customers with their "specialised services". On a technological perspective EU won't keep up any more, because internet access providers have no real competition any longer.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Definitely. Imagine music-streaming like spotify and an internet access provider like T-Com (aka Deutsche Telekom). Spotify traffic was not rated for mobile phone users using T-Com as provider. Anyone who preferred competitors had no zero-rating there. At the same time, this deal was exclusive. To get zero-rating, you had to choose T-Com.

More to this topic: <https://en.wikipedia.org/wiki/Zero-rating>

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Definitely not. Encrypted providers won't see anything - and every data should be encrypted. To allow dpi for traffic management would justify espionage and building up databases about their customers.

There are just two types of traffic - low need for data but the need for very low latency, or the other way round. Games or video conferences need low latency, but not much data. Streaming, P2P etc don't have low latency requirements, but need appropriate bandwidth. The IP packages could be marked for those requirements by their application - but there is no standard for this, yet. DPI would put those decisions to the carrier - and they would use it against competition. (Services, not ISPs.)

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? I'd like to decide for my usecases if I need better latency or more bandwidth. I don't see how an ISP could know what I want for which connection.

In short: He should do nothing until I - no one else - decide something.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Definitely. This can only work for big internet providers.

Example: I set up a dedicated gameserver on my private server. And an additional mail server for my private emails. For the first one I need low latency, the other service is completely unimportant. How could the internet provider could detect this? In the end, I will have to buy this as additional package.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

As there is no application layer label for IP packages to steer this, there are just three options:

- dpi (not working for encrypted data, then just sender/receiver may be used)
- pay for it either on provider or customer level
- automatically reduce priority of high-volume data. The boundary has to be coupled to dynamically to total load (due to peak times like saturday evening), but there should be a penalty for the ISPs to reduce bottlenecks.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

Tests in germany found ISPs that were reducing speed for their customers. They even betray their customers - if the URI contains the word "test", they got full speed. Those providers are providers I won't choose. NEVER. Traffic management needs to go with my needs. High Bandwidth and irrelevant latency for downloads and streaming, low latency for more or less everything else. Zero-rating or similar commercial practices are a sign for me that this ISP cannot be trusted, and I try to avoid him. I won't take any zero-rated offers. I would have to pay it as customer one way or the other.

What information would you like to receive about the speed of your Internet connection?

I'm a professional, I have my tools to measure everything I need. I may even write my own tools if necessary. I don't trust provider labels until I tested them for myself. Sites like

speedmeter have independent measurements, but are prone to have manipulated priority by ISPs.

Fritzbox by AVM has some nice statistics, like latency, jitter, packet loss, signal to noise ratio etc.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Most customers are unable to use it. I would like it, as it would enable me to see what I get in comparison what was promised. Quality could be a percentile value, but has to be 99% or probably much more. (99.999%)

If defined in a contract - what I would appreciate - the contract settings should be available through DSL modem/router (or a similar device for other technologies). This device should measure contract agreement and provide appropriate data for the customer. In a very open discussion and definition this data might be available for the ISP behind, otherwise they do their own measurements anyway.

[NN#1v2]

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Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Karolína Silná](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 12 July 2016 12:26:52
Attachments: [ea_podpis-vyroci-4.png](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Karolína Silná, director, Ecumenical Academy, Prague, Czech Republic

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in

line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be

assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Karolína Silná | Reditelka

karolina@ekumakad.cz | +420 604 620 469



V Ekumenické akademii prosazujeme alternativní přístupy při řešení současných ekonomických, sociálních a ekologických problémů a zároveň je přenášíme do praxe v podobě konkrétních projektů. Usilujeme o sociálně, ekonomicky a ekologicky udržitelnou společnost.

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From: [Johann-Friedrich Salzmänn](#)
To: [NN-Consultation](#)
Subject: BEREC net neutrality guidelines
Date: 11 July 2016 20:33:14

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Johann-Friedrich Salzmänn

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

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[TM#1v2v2]

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with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Tobias Uppers](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 11 July 2016 14:38:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Commercial practices are all activities that businesses do in order to earn money. The internet as a free and open tool for society must provide sufficient infrastructure for everybody - businesses as well as NGOs and other non-commercial players. Especially economically not very powerful groups of society to whom the internet provides great opportunities (for example people with disabilities) to be part of society are systematically excluded through the practice of zero-rating and others.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

If the connections are provided with sufficient bandwidth there should not be a problem with critical services such as connected cars or e-health. Because the TelCos do not want to invest in proper infrastructure the end user is meant to pay for this lack of innovation.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Especially economically not very powerful groups of society to whom the internet provides great opportunities (for example people with disabilities) to be part of society are systematically excluded through the practice of zero-rating and others. For that reason commercial practices that hinder people from free access to the web are not only contrary to an open society but also do not complain with the United Nations Convention on the rights of people with disabilities.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No!

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

Tobias Utters

From: [Eva-Bettina Gruber](mailto:Eva-Bettina.Gruber)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 10 July 2016 21:41:22

Dear Sir or Madam,

Please take into consideration this business stakeholder comment regarding the BEREC net neutrality guidelines.

Name of our company:
Three Coins GmbH, www.threecoins.org

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of

innovation”. BEREC’s mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the “consistent application of this Regulation” by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs’ assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned business

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Eva-Bettina Gruber
Head of Operations



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From: [Sealie Scott](#)
To: [NN-Consultation](#)
Subject: BEREC net neutrality guidelines
Date: 10 July 2016 17:34:11

Dear Sir / Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[ZR#1v2]

“Zero-rating” is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC’s draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users’ rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get “free” access to others), this constitutes an arbitrary interference of users’ rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that “National regulatory and other competent authorities should be empowered to intervene” and “should be required, as part of their monitoring and enforcement function, to intervene” only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means

that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users’ right of Article 3(1) to impart information, and therefore materially reduce end-users’ choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is therefore logical that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC’s mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the “consistent application of this Regulation” by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services (“services other than internet access services”) under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the “normal” Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum

bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management

should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Kind regards,

Sealie

From: [John Cottee](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 10 July 2016 10:46:23

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view? My understanding of the term "commercial practices" as defined in the regulation must be regarded as any restriction of any kind upon the basic functionality of the internet for commercial purposes that is not and does form any part of what is necessary to allow the network to function. Any kind of paid of subscription services are different from zero rated services, as access to the entire internet remains uncompromised at all times.

The regulation explicitly bans commercial practices that limit the ability to exercise individual user's rights online. Zero rating (where access to some applications/services is unlimited while all others are counted towards your monthly download limit) allows the provider to discriminate between online services. Zero rating clearly contradicts the intention of the legislators in protecting the open and unrestricted access to the Internet. Zero rating limits the possibility for users to distribute content, services, or applications, which undermines innovation, dialogue, or exchange of knowledge.

My name/organisation:

John Cottee

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

"Optimised" or "Specialised" services offer things such as faster download speeds or a more reliable service. The regulation actually defines "Optimised" services as electronic communication services that can not be offered over the best effort internet and require optimisation. Things such as connected car applications require a stable and fast connection to function safely - this cannot be assured using the "regular" internet service in order to function safely and must be offered as an extra service.

It is absolutely critical that these or any other kind of "extra" services are treated and regarded differently to any and all other services offered on the open and competitive internet and that any and all services offered on the open and competitive internet are not re-categorised as "extra" services at any time for any reason. This is anti-competitive and is effectively a form of internet censorship.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

In theory, I would argue that there is a demand for specialised services that may be offered in the future - things such as connected car applications. Commissioner Oettinger has actually confirmed that he cannot personally name any existing specialised service that

would be damaged by net neutrality. If specialised services are to be made available, it is absolutely critical that these are offered in ADDITION to regular content and applications and that ALL regular content and applications are excluded from any such extras. This would result in the complete and exact opposite of net neutrality.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Whilst providing specialised services is allowed under the regulations, these specialist services cannot and must not be allowed to be offered as a replacement for internet access services. BEREC's guidelines from 2012 actually stated that any practice offering access to a limited part of the internet would have a negative effect on the rights of the consumer.

In order to protect the open internet, any regulation of specialised services which would permit any form of discrimination (including an internet "fast lane") for ANY services that are (or could) be provided on the open and competitive internet absolutely MUST be avoided. This must be done to protect freedom of communication, innovation, and competition on the internet.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Any commercial practice that limits any user's rights to freedom of expression and communication are contrary to both the object and purpose of the regulation; the aims of the regulation are to safeguard open internet access.

To this end, any commercial practice cannot (and must not) restrict free choice by permitting any service or application to be prioritised over another, especially where this involves additional payment or where these services can and already are provided on the internet already. If a commercial practice creates disadvantageous conditions then it is not only a violation of user rights, but also of the core principles of economic competition. Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

The Regulation prohibits specific traffic monitoring. Practices such as deep packet inspection (DPI) undermine your right to privacy and go against EU data protection and privacy rules. In fact, some experts argue that DPI is an invasive surveillance and censorship technology.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

The EU regulation requires that internet service providers treat all traffic equally but there is uncertainty regarding special categories of traffic (any content, applications, or services that share common characteristics). The regulation states that the purpose of reasonable traffic management is to contribute to an "efficient use of network resources and to an optimisation of overall transmission quality", without the use of commercial criteria. If this is not defined correctly by regulators, providers could use this potential loophole to apply disguised commercial criteria to arbitrarily classify certain categories. Class-based management distinguishes between categories of applications. One well-known example of this is the restriction of peer-to-peer file sharing traffic in response to network congestion. of traffic, in order to prioritise one category over another. This discrimination

would undermine net neutrality, to the detriment of free speech, innovation and openness.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Reasonable Traffic management allows ISPs to manage traffic on their networks. In order to do this, they can prioritise (speed up) some services or slow down others to manage this reasonably.

Under the regulation, this is permissible if it is reasonable, transparent, proportionate, and non-discriminatory; additionally, it must be temporary and not a permanent feature of the service provided. Additionally, traffic management shall, as a general rule, treat any and all applications equally and only differentiate between different types of traffic in very limited circumstances.

This should not impede online user's choice, or the quality or speed of the service that they are offered - these should always remain consistent regardless of their online activity. ISPs cannot manage traffic in any way that would block, alter, slow, or reduce access to any specific application, service or content online. To put it briefly, no form of discrimination should be allowed.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

The guidelines as provided by BEREC in 2012

(http://berec.europa.eu/files/news/bor_12_32_guidelines.pdf) state that any deviation beyond reasonable traffic management is the equivalent of having "restricted access to the internet".

If any company/ISP restricts, limits, or interferes with access to specific places/locations/points on the internet, this will have a clear and obvious impact on internet freedom and our ability to choose and access what we want to see.

The Regulation clearly states that traffic management must be reasonable and only last as long as necessary. If congestion is sudden and temporary, traffic management can take place, but it must remain application-agnostic. If congestion is recurring, the operator should enhance its network capacity and must not rely on this exception.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

Have you researched as to whether your Internet Service Provider (ISP) gives you information about its service that is clear, understandable and easily available? If so, was this clear enough? Maybe not. BEREC ought to require ISPs to use a common set of terms to present transparency regarding how traffic on their networks is managed. ISPs should provide concrete examples on how they manage traffic and, additionally, provide information about how their traffic management practices are limited in time and scope and executed on a necessary and proportionate basis. Technical or legal jargon used in contracts must be avoided to ensure clarity. However, discriminatory behaviour does not become less discriminatory simply because the provider is "transparent" about it in the consumer contract. Transparency is only one of the criteria needed to ensure that you

enjoy an unfettered access to the internet and you are not misled by your ISP. Traffic management allows ISPs to manage traffic on their networks. To do so, ISP can give priority to certain communications or slow down some others. Under the Regulation, this practice is allowed if it is reasonable, transparent, non discriminatory and proportionate. Traffic management must be temporary and, therefore, not a standard part of network configuration. Also, as general rule, traffic management shall treat all applications equally and only under in very limited circumstances it may differentiate among categories of traffic.

What information would you like to receive about the speed of your Internet connection? ISPs should provide the following information:

The average available speed of the connection with a specification of the minimum and maximum speed provided online; this should be clear, unambiguous, and easy to understand. This should prevent ISPs from displaying the maximum possible speed as being generally available (if it isn't) - this is clearly misleading.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

ISPs should provide information on the quality of services parameters in very clear language in all contracts. Concrete examples should be provided to enable all users understand the impact on the internet services provided, e.g. they should provide information regarding potential issues when using VoIP applications, including information such as video delays or sound effects.

Consumers should have all of the information they need to make reasonable assumptions about the quality and reliability of all internet services provided.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

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[ZR#1v2]

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applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications,

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

John Cottee

From: [Matthias Ferdinand](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 09 July 2016 19:21:58

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"?

Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

So-called "Commercial practices" usually try to gain an unfair advantage against competitors, and/or trying to influence service usage patterns to hide shortcomings, e.g. in interconnection capacities. Users generally will have demand for ways to pay less, but this demand would also be satisfied by non-discriminatory practices, e.g. generic video/audio streaming flatrates that work equally with any streaming service.

My name/organisation:

Matthias Ferdinand

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Realtime guarantees cannot realistically be given for communication services using the general best-effort Internet. This type of traffic used to be the domain of dedicated leased lines, where both endpoints were provided by the same Telco anyway, either between sites of the same customer or between a customer and a data center. But nowadays ISPs/Telcos want to merge traffic having such realtime requirements with general best-effort Internet traffic over the same infrastructure for financial reasons. While this goal is understandable, each such traffic guarantee eats into the bandwidth available for their best-effort Internet customers.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Positive: can't think of any at the moment

Negative: Gives an incentive to ISPs not to make services available to the Internet as a whole, but only to their own Internet access customers, even if only small parts of the service would require or benefit from any special guarantee, thus reducing competition in the Internet access market.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Unless strictly following the ISPs "desired customer behaviour", there will be negative impact on the users communication, either by increasing cost or by slowing down or complete blocking of the users communication. Use of non-zero-rated streaming services will quickly deplete your available traffic volume, so you might not be willing or able to try out a freshly started competitive streaming service.

Should the ISP be allowed to monitor the traffic of their users,

including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No, unless the customer explicitly mandated the ISP to do so. There are use cases where traffic management on the ISP side of a customer's access connection is highly beneficial to the customer, and the customer might want to benefit from the ISP doing traffic management at that point. Other than that, generic traffic inspection and consequently traffic management (i.e. service or user discrimination) should not be allowed.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Only as far as the customer has explicitly asked for it.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

The ISP's customer's freedom would be restricted if he cannot activate/deactivate such discrimination himself (usually impossible, such policies would govern the entire ISP network). A content publisher's freedom would be restricted if such mechanism negatively impacts his contents because of a false judgement, by mistake or by malice.

What would you consider to be "reasonable" traffic management measures?

How can "unreasonable" traffic management measures affect you as a user?

Please, provide examples.

Reasonable measure: fending off DDoS attacks (traffic floods)

With artificial ("unreasonable") traffic management measures, a user's communication goals might take overly long (battery drain, lost opportunities like concert already sold out) or even be completely undermined (download never finishes, video conference not stable)

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Traffic management is a very complicated technical topic, making it almost impossible to even roughly describe its effects in layman terms. Still, users must have the possibility to be properly informed. The only solution to this problem is to not allow engineering of user traffic except where expressly requested by the customer (while still allowing preferential treatment of network-internal administrative traffic, which is required for a network to function at all).

What information would you like to receive about the speed of your Internet connection?

DSL: maximum sustained speed of the DSL line (incl. modems/routers) itself + overbooking info throughout the network internal next hops to the major peering points.

Mobile: similar to above, including cell capacities throughout the area the service is supposed to cover (city, country, EU, ...)

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

It would be highly desirable for users to be able to compare different offerings, and to request compensation if an ISP violates his guarantees. To be useful, this would require a way to measure these parameters which is accepted by both user and ISP. For the average user, this would ideally be aggregated as "availability", where exceeding some threshold for latency/jitter/loss counts as "unavailable". Based on that, availability for an Internet access

service could be measured in percent, like "99.9% availability"

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service - regardless of their size - has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other"

before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically - regardless of their scale and the market position of the players involved - interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over

time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"?
Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?
So-called "Commercial practices" usually try to gain an unfair advantage against competitors, and/or trying to influence service usage patterns to hide shortcomings, e.g. in interconnection capacities. Users generally will have demand for ways to pay less, but this demand would also be satisfied by non-discriminatory practices, e.g. generic video/audio streaming flatrates that work equally with any streaming service.

My name/organisation:
Matthias Ferdinand

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
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Positive: can't think of any at the moment

Negative: Gives an incentive to ISPs not to make services available to the Internet as a whole, but only to their own Internet access customers, even if only small parts of the service would require or benefit from any special guarantee, thus reducing competition in the Internet access market.

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[NN#1v2]

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the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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Kind regards,

From: mm-savetheinternet.eu@m2r-mail.de
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 09 July 2016 09:31:49

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Martin Mohr

[NN#1v2]

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Daniel Roß](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 23:51:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Daniel Roß

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Kind regards,
A concerned citizen

From: [Oskar Wróbel](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 08 July 2016 10:14:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? I don't believe users would like to have access to the Internet limited in any way. There are already failed experiments with "free basic Internet" in India and parts of Africa. Goal should be providing best possible access with lowest possible price, not poor access for free.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
ISPs shouldn't offer any "specialized" services because current and future infrastructure is already enough to provide error free, general use service in most places. Where existing infrastructure is not enough it should be improved for general use.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

It's hard to talk about demand for specialized services that do not exist in the first place. It looks like existing services would be recategorised as specialized under disguise for improvement (like "specialized 4k video streaming" not available for general public)

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Specialized services would not bring any positive outcome as such services will be provided over existing general purpose infrastructure. Therefore they could be available for general public anyway if the ISPs allowed it. Negative impact would be fragmenting the Internet with walled gardens and stifling competition. Users no longer would have access to Internet per se, but rather to their ISPs vision of the Internet. And since it's most important medium these days, the results will be fatal. It's not hard to imagine skewing election results because of subtle censorship and agenda pushing by some ISP.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Commercial practices openly limit access to parts of the Internet, limiting available services to those of ISP choosing. That by itself limits freedom to expression. It also provides unfair playfield where some services gain popularity because they are included by ISP, while other services struggle because they are out. It's easy to imagine ISP would include for example Google as preferred search engine while more user and privacy friendly service like DuckDuckGo is singled out. That creates information bubble around users that is very hard to permeate.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No. Users pay for bandwidth and it is not ISP role to check how they use it. That violates privacy in very serious way. No one in their sane mind would allow post office to prioritize packages based on what's inside. And that's what deep packet inspection and similar methods are. ISP is not supervisor of their users packets. He just needs to transfer them as fast as he can from point A to point B.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
None at all. I can manage my own Quality of Service settings on my router. As far as ISP is concerned all my packets are created equal and should be treated as such.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Freedom will be limited because end user cannot reliably tell if their traffic is shaped in not discriminating way. ISP would always say it is so, but truth might be different.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Reasonable traffic management would be decreasing speed of all users proportionally until congestion is resolved. Unreasonable traffic would be throttling one user video stream while prioritizing other user browser download stream (or other way around).

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

Most important thing is minimum guaranteed speed and information about any traffic shaping techniques (like deep packet inspection, port blocking and similar) used. It is not enough to say that traffic shaping is in use but also how, why and when it would be used.

What information would you like to receive about the speed of your Internet connection?
Minimum guaranteed speed and if it is restricted based on content of the packets transmitted. What disruptions are enough to warrant complaint and possible compensation.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
ISP could provide info such as "enough bandwidth for video calls of Full HD quality" and similar.

[NN#1v2]

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
Oskar Wróbel

From: [K SA](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 08 July 2016 01:59:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Karen Suter

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Michel Cadorette](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 08 July 2016 00:31:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Mikhoula Lhabouli

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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[TM#1v2v2]

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Kind regards,

A concerned citizen

From: [Nick Murphy](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 07 July 2016 12:53:47

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Nick Murphy
NUI Galway

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

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Kind regards,
A concerned citizen

From: [Christophuer Scott](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 05 July 2016 00:51:08

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Christophuer Scott

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

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Best Regards
Christophuer Scott

From: [Martin Lippes](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 04 July 2016 22:12:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

Zero-rating as described is maintained by the ISPs. But the decision about Zero-rating of an application or website should - if necessary - be the author as a kind of copyright. Otherwise it's a kind of waylaying.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes, it can limit. Because of the possibilities given by "Big Data" you are maybe led to online-shops by considering your financial strength. The same like in low-priced countries: Tourists find "their street" that looks like at home - including the price labels.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

The regulation should only distinguish between services, which cause much traffic (e.g. newsclips) and those, who save the data-lines (e.g. news, descriptions as simple text)

[NN#1v2]

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The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Kind regards,
A concerned citizen

From: [jedigecko06_](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 04 July 2016 15:32:06

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
James Allan

[NN#1v2]

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Francisco de Sousa Messias](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 03 July 2016 21:40:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? i think there is no justification for zero practices that create a 2 speed internet

My name/organisation:
francisco messias

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
not at the moment

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
i dont know

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
absolutely they would. if application A lets me download unlimited and app B does not, I will be forced to use A in order not to go over my download limit

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absolutely. download speed alone is not enough. upload speed and latency at least should be always mentioned in the contract

[NN#1v2]

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for

sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Mathias Driay](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 03 July 2016 18:57:20

Dear Sir or Madam,

Please take this stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's

Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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[TM#1v2v2]

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen,

Mathias Driay

From: [Ulfi Meier](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 03 July 2016 16:55:14

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Ulf Meier

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet. It is good that there are a number of clear restrictions on zero-rating in BEREC's draft

guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. ♦ Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Alan Berger](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 23:18:12

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Alan Berger

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Kind regards,
A concerned citizen

From: [Robert Pröger](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 02 July 2016 21:04:42

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Robert Proeger

[NN#1v2]

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The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation

guarantees.

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Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Laura Duregon](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 02 July 2016 17:48:28

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Absolutely NOT

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

It has not to be able

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

To make good decision i need to know more information as possible, like traffic management, commercial practices or technical conditions

What information would you like to receive about the speed of your Internet connection?

Real speed, report about technical problems...

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Anonymous Anonymous](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 02 July 2016 10:28:05

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jonathan Jones

[NN#1v2]

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Kind regards,
A concerned citizen

From: [Roel Palmaers](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 01 July 2016 19:56:18

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Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Roel Palmaers

[NN#1v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [john.lang](#)
To: [NN-Consultation](#)
Subject: BEREC net neutrality guidelines
Date: 30 June 2016 10:48:09

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of

these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,

John Lang
Director, J10P Quality Solutions Ltd

From: [Voldemaras Vaišvila](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 30 June 2016 07:46:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Voldemar/PayPal

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: ["Jörg Paetzold"](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 30 June 2016 00:22:36

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jörg Paetzold

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Gabriel Ghimes](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 29 June 2016 17:12:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Gabriel Ghimes

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees. Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service

capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [JP Floch](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 29 June 2016 10:49:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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services in paragraphs 113 and 117 of the draft guidelines.

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since

the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Michael Rubenbauer](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 28 June 2016 21:34:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Michael Rubenbauer

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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Kind regards,
Michael Rubenbauer

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Michael Rubenbauer
Mittlere Heerbergstr. 3
97078 Würzburg
Germany

From: Daniel-Marx@freenet.de
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 22:09:26

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Daniel Marx

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Any prioritization must be strictly bound to service characteristics, i.e. if the service requires a higher priority to function properly / satisfactorily this should be granted, but any other property as source/destination etc. must be disregarded.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Basically traffic management is a reasonable function, but it must not be a complex thing and the principals should be prescribed by regulatory instances.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples. E.g. reasonable is to give a higher priority to video chat connections to give a satisfactory experience to video chat users which is not detrimented by too large network latencies. Not acceptable is to give priority to selected companies, their users or services, to special countries or regions (except for strictly technical reasons).

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions? If the principals of traffic management are regulated, there should be a set of information about the concrete parameters which must be given by any ISP to the public.

What information would you like to receive about the speed of your Internet connection?

This item may be very complex, so it must in deed be limited to the speed (bandwidth / latency) from the end-user equipment to the last network node which is under control of the ISP. This should be reported - on request - from the ISP to the end-user at any time.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

I'm not sure which items should be defined and agreed by contract. At first, there should be a possibility for independent measuring by third parties and the consequences of not fulfilling the agreed parameters should be defined - e.g. the time line for corrective measures and financial compensation if the problem persists over time.

[NN#1v2]

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Kind regards,

A concerned citizen

Daniel Marx

From: [Alexander Richter](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 28 June 2016 21:21:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Alexander Richter

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and

start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this

regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the

complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Paul Rodriguez](#)
To: [NN-Consultation](#)
Subject: BEREC net neutrality guidelines
Date: 28 June 2016 19:09:05

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?
No.

My name/organisation:
Paul Rodriguez Lobera

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

None. Services for which existing routing techniques are inadequate should be implemented using new physical infrastructures separate from the one dedicated to the Internet today.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Online gaming and High Frequency Trading applications already rely on the Internet and work properly. There is no reason to believe e-health or connected cars or any new application would require prioritization of traffic more than the existing ones.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Services new or existing could be classified as "specialised" using arbitrary and unfair criteria, such as a financial compensation from the provider of these services to the ISP. For example, a video-on-demand provider could pay ISPs to get priority over the traffic of competing businesses, therefore effectively throttling their traffic. The issue is that the infrastructure has limited throughput and an increase in the quality of service for one actor mathematically translates to a decrease for all others.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes. Commercial practices could affect the way end users choose between competing services on the Internet and therefore introduce exterior competitive advantages irrespective of the inherent quality of the product.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No. That would be an obvious violation of privacy and would force ISPs to handle copyright infringement and other matters which are completely unrelated to their business. ISPs should have the same level of legal protection as cargo boats handling closed containers with regards to the content of the containers.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Not at all. Routing should be handled by open source, publicly audited software in a transparent manner and consider all types of traffic equally.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Reasonable traffic management measures are to invest in better infrastructures to handle the ever-increasing demand without the need to discriminate between types of traffic. Any form of traffic management other than absolute fairness would compromise the rights of end users to use the Internet and their available throughput in the way they see fit.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Traffic management, commercial practices. Both theoretical and effective. If specific traffic management is only allowed for "emergencies", then these emergencies should be well-defined.

What information would you like to receive about the speed of your Internet connection?
Malformed question. The speed of my Internet connection is some large fraction of the speed of light.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

I don't think that information should be contractual, or only through pre-defined standard measurement open-source programs running between the end user and any endpoint within the ISP's network to make sure that the assessment is fair and trustworthy.

[NN#1v2]

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[SpS#1v2]

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[SpS#2v2]

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[TM#1v2v2]

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Kind regards,
A concerned citizen

From: [Chris Nicoll](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 25 June 2016 14:39:34

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
chris nicoll

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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C Nicoll

From: [Mohamed Rambil](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 24 June 2016 17:10:39

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Mohamed Rambil

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: Rudolf.Starosta@gmx.net
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:NN-Consultation:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 21 June 2016 17:53:25

Dear Sir or Madam,
Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Rudolf Starosta

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Kind regards,
A concerned citizen

From: [Simone Lorenzi](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 21 June 2016 13:37:59

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? is subtle but help to get lower price on market

My name/organisation:
Lorenzi Simone

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
static ip

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
safety first

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
internet is a wild channel, should be used only by people that know what they are doing. exist other channels already controlled and monitored to use if necessary.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
almost everything can be sostituted, so it can affect the user, but not that much

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
not for traffic purpose, only for safety like terrorism prevention.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
zero

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
maybe with a tolerance of 10-20% could help experience of all, but not more.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
keep reserved bandwidth for normal browsing, limit a little streaming service and a little more on p2p services that most of time work on long target time. so prioritize instant

access content. light the weight by cutting off graphical publicity

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

all these mentioned and issues track by zone

What information would you like to receive about the speed of your Internet connection? average and minimal speed on high traffic hours

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

absolutely, with an universal minimum as base. more is guaranteed more is the price, but never guarantee under 2MB

[NN#1v2]

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Kind regards,
A concerned citizen

From: [Massimiliano Palloni](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 21 June 2016 12:11:09

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My name/organisation:
Massimiliano Palloni

[NN#1v2]

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[SpS#2v2]

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Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this

regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the

complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen



Mail priva di virus. www.avast.com

From: [Francesco Pili](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 19 June 2016 00:17:16

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Francesco Pili

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees. Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service

capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3)

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Francesco Pili

From: [Nils Büchner](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 18 June 2016 04:43:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Nils Büchner

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Kind regards,
Nils Büchner
A concerned citizen

From: [Sidney Whitaker](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 17 June 2016 22:18:54

Sidney Whitaker (private--personal)

[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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With good wishes, Sidney

From: [Pol Dax](#)
To: allow-submission-to-berec@consultation.savetheinternet.eu; [NN-Consultation](#)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 21:41:47

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Paul Dax

[SpS#2v2]

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Frédéric Bonilla](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 16 June 2016 20:34:03

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
F. Bonilla, individual

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation

guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Serge Bendah](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 16 June 2016 13:57:29

Dear Sir or Madam,
Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Serge Bendah

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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Kind regards,
A concerned citizen

From: [Paolo Bossi](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 16 June 2016 12:26:07

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Paolo Bossi

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Kind regards,
A concerned citizen

From: [Christel De Bruijn](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 15 June 2016 22:20:32

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Christel de Bruijn

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
Not without a court order for each individual case

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
In principle and by default, they should not be able to interfere at all. The internet has given every person on the planet with access to the internet a voice that can be registered and heard by everyone else. The potential to be heard is no longer restricted to the privileged few. Net neutrality is fundamental for an egalitarian and democratic society. Exceptions should perhaps only be made in the most extreme of circumstances such as humanitarian disasters like hurricane Katrina.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes, it would be. For example, if ISPs decided to prioritise access to live footage of e.g. the football world championships. Large parts of the population would get priority access (because live broadcasting is time sensitive) and disadvantaging internet access for all other users.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key

features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this

regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Serafin Leschke](#)
To: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 14 June 2016 22:27:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

As with specialized services, Zero rating will hinder people to find new and cool applications on the internet and only be good for the big players which stabilize their dominant position.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

I don't see an justification for specialized services. If there is special treatment for classes of traffic like voice over IP it should always be for the whole class of traffic not only the offers of company paying for it and only for technical reasons (less delay).

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

No this is a non argument: Life critical things like e-health must always be done on special and granted connections and not over the internet. Likewise (connected-) cars will always have to function even if there is no internet so there is no reason to prioritize them.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Specialized Service can only be described as evil. It will hinder people to access the paces they want.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Content is taboo of course. I could imagine the need to prioritize certain protocols (like VoIP) but this should only ever happen if there is a congestion or other technical reason. In a normal operation all traffic should be handled equally.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

In normal operation all traffic has to be handled equally. If there is a temporary congestion I think it would be logical to de-prioritize bandwidth hungry applications to assure e.g. that it is still possible to make phone calls. This should always be a temporary solution. And the user should be informed about such actions.

Would your freedom be limited if ISPs discriminated between online

content based on their technical requirements like time sensitivity?
I think technical issues should be considered but on a health network this should not happen. If there is a problem on the network such a prioritization makes sense. As before users should be informed about this behaviour and such a situation should not be of aloud to stay infinity long

What would you consider to be "reasonable" traffic management measures?
How can "unreasonable" traffic management measures affect you as a user?
Please, provide examples.

I don't see any reasonable traffic management other then in times of congestion. Hindering p2p for example will also hinder new innovative technologies like decentralized messengers, distributions of linux images and updates, new crypto currencies etc.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

* Is there anykind of traffic management

* On which parameters: protocols, destination source etc.

What information would you like to receive about the speed of your Internet connection?

I think its clear that it should only be allowed to market a service you actually deliver. In rush ours their may be some reductions to the advertised speed but this should be minimal.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

I don't think it would be wise to write them into the contract as nobody will understand the terms. Such things should be regulated and fined by the authorities.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality

of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”.

BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to

enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
Serafin Leschke

From: [Ralf Heini](#)
To: [NN-Consultation](#)
Subject: BEREC net neutrality guidelines
Date: 09 June 2016 19:19:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Is there a demand for “commercial practices” such as zero-rating? Could these limit your rights as an end-user? Please provide examples.

I see no demand. I wish a fair-flat for all usecase.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

I don't know what a special service should be. I think there is not enough netneutrality in the European Union right know.

Is there a demand for specialised services? Which services should be allowed this special treatment?

No

Should the ISP be allowed to monitor your traffic, including its content (e.g. through deep packet inspection) for the purpose of traffic management?

No

How much should your ISP be able to interfere with your Internet connection - for example to throttling or prioritise certain types of online traffic (video, P2P, etc)?

Not much. Only critical stuff.

What information would you like to receive about your Internet connection, such as its speed, quality of service or how your traffic is managed?

I wish information about speed, quality of service, traffic management and minimum bandwidth.

The Regulation allows specialised services only under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This cannot be the case with services that can also function on the open, best effort Internet. Furthermore, Recital 16 prevents specialised services from being used as circumvention of the general net neutrality traffic management rules. Any deviation from these safeguards to widen the applicability of the concept of specialised services would inevitably result in increased market entry barriers and thus weaken the innovative potential of the Internet as a whole.

The diversity and innovative capacity of the Internet ecosystem is built upon the low cost of innovation and low barriers to market entry. These principles ensure that from day one, every enterprise, startup or

non-commercial service – no matter how small or well funded – has the potential to reach a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy is only ensured by an open, neutral and non-discriminatory Internet. When ISPs are allowed to interfere with the decisions of their customers by economic or technical discrimination, this essential freedom is lost. According to Recital 1 of the Regulation on net neutrality, the legislation has to be interpreted in light of these goals.

The Regulation has very clear rules on what constitutes reasonable traffic management. According to Article 3(3), all traffic management should be done in an application agnostic way, if possible. Class-based traffic management harms competition; it risks unintended damage to specific applications; it can discriminate against encrypted traffic; it creates uncertainty for content application and service providers; it stifles innovation; it can harm individual users, and can create regulatory overload. Therefore, applying class-based traffic management in situations where application agnostic traffic management would suffice is neither necessary, proportionate, transparent for the user, nor non-discriminatory.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

When ISPs are allowed to charge for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, to encourage their customers to increasingly use specialised services. This effect will be detrimental for minorities, disadvantaged people and startups that cannot afford special access to all networks in which they may want to reach customers, and the development of the free, open and innovative Internet ecosystem.

Economic discrimination (zero rating) interferes with my right under Article 3(1) to access and, in particular, to distribute information freely. When an ISP discriminates between providers of content, applications and services via an Internet access service by making them unequally accessible, this constitutes an arbitrary interference in the essence of my right. Furthermore, this practice restricts my rights under the Charter of Fundamental Rights (Articles 11, 15(2), and 16). Therefore, economic discrimination must not be allowed under the BEREC guidelines.

Kind regards,
Ralf Heini

From: [Gabriele Schuler](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 21:24:50

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jochen Schuler, Germany

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
Jochen Schuler

From: [jay kay](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 19:17:48

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
jay ash

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

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[TM#1v2v2]

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Antoine Lochet](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality guidelines
Date: 15 July 2016 15:34:29

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Antoine Lochet

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

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Kind regards,
A concerned citizen

From: [palim](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 16 July 2016 17:09:58

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

Zero rating gives a huge disadvantage to small companies

My name/organisation:

Björn Vogler

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
emergency calls

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
emergency calls

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
Specialised services have the potential to create a two class internet.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
The provider should not decide which services or protocols I use.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No, but applications could add a optional priority tag to the packets. The tag can be either "normal" or "low" priority. The ISP can than use this information to prioritize the "normal" packets when needed. This information could also be used in the local network of the user where the router than can prioritize packets. In local networks it would be good to also have a "high" priority tag. ISPs although should ignore this tag, because the chance of misuse is big.

It is important that every application gives the user the option to not set tags and also the router should have the option to remove tags and ISPs should not treat packets without tags other than "normal" packets. All this would give the user the option allow the ISP to apply QoS . This proposal of course is also dependant on the programmers of applications and IP standards.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
every application could pretend to be another application, therefore QoS

based on deep packet inspection is not providing the right answers. As I wrote in the box before, a optional priority tag (normal or low), would allow the ISP QoS without deep packet inspection.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes. Throttling a specific application should be the users choice.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

If and which QoS measures apply or which applications have zero rating etc.

What information would you like to receive about the speed of your Internet connection?

The ISP should provide the expected internet speed before you have to sign the contract.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

ISP should give as much and as understandable as possible information about the internet connection before signing the contract.

[NN#1v2]

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[SpS#1v2]

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[SpS#2v2]

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

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[TM#1v2v2]

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Kind regards,
A concerned citizen

From: [Ulrich Pretzsch](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality guidelines
Date: 16 July 2016 16:47:16

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Ulrich Pretzsch
citizen
Hamburg, Germany

[NN#1v2]

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[ZR#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute

information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter,

packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: mihaiandrei12
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC Net Neutrality Guidelines
Date: 03 July 2016 20:23:09

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name:
Mihai Andrei

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? By "commercial practice" I understand a practice used by some company providing some service (here service is used in the broadest way, meaning anything some entity would pay for) in order to increase financial gain, which is not a change in the services provided. I would like to note that I think "commercial practices" can be both good and bad for the end users.

I do not see zero-rating practices as benefiting the user, thus I do not think they are needed.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Services that need a minimum bandwidth for assuring some safety settings, for example remote controlling some machinery, that would need fast and accurate information in order to work properly and avoid physical damages. But if these services affect the functioning of the "normal" internet in some way, it should affect it only for the users of these services.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

I do not know of any specialised services that are to be used commercially, but system that may need such special services might appear in the future and trying to foresee future legal and technological problems might prove to be beneficial.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Positive impacts of the specialised services would be some systems that will work reliably and be safe and maybe there would be services that would not work if not for some assurances given from the ISP in terms of reliability speed etc. Of course there is risk of general downgrade of the internet quality (e.g. speed or bandwidth allocation) because of the use of such services, and (if not regulated properly) abuse of the term "specialised service" for example to deem some "normal" internet services as specialized in order to grant them an unfair advantage over the competition or to push new services that could work over the "normal" internet to be specialized services to the profit of the ISP.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

One of the biggest problem is that users like myself do not know their rights as an end user

and when making a decision to make a contract with an ISP, many users do not know that these rights exist, let alone knowing what they are and if the ISP respects them.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Only for the users of special services. Otherwise, not.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? Prioritization of certain types of traffic should be in the hand of the user (the OS and applications on the user's machine) instead of the ISP. The ISP should interfere with prioritization only if the user uses special services.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

The ISPs could discriminate between online content differently for each and every user. I do not think my freedom would be limited if they discriminate for me towards certain services or content with my consent. I would consider a breach of my online freedom if they did that without my consent and an especially grave offense if they would do it without my knowledge or having the possibility to acquire this knowledge.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

I do not know much on how internet traffic is managed and how it works. I would think, that traffic management should be done in the way that all users can have as much traffic as possible, equally (proportional to their contracts with the ISP). Unreasonable traffic management might tamper with the quality of my internet experience. For example, if the ISP decides to prioritise video traffic, I might have problems listening to some high quality music on some website because most other people watch videos and the general traffic is left for them. I would expect my traffic to be the same, no matter what type of content I decide to consume or what type of content others decide to consume.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

I am on the opinion that the most information available the better. But, to put it in some kind of order, first of all, I would like to know what my rights as an Internet consumer are and to make sure that they are respected. Then I would consider the technical conditions. I would also consider traffic management as a technical condition, as it may affect the quality of the internet provided. And the last but not least I would be interested to know about the commercial practices, as this might change my trust in the company.

What information would you like to receive about the speed of your Internet connection?

The ISP should be very clear on what is the average speed. The speed measures should be the same for all ISPs and the same with other measures of speed and data (e.g. not using bits instead of bytes to inflate the number and mislead users). Also provide the major and/or most often conditions in which the speed may change (such as traffic control in certain conditions, or known periods of heavy internet usage that may lower the speed etc.).

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

There should be a standard for internet access quality that is clear to understand and has some well defined parameters that affect the quality that are clearly explained on what are the average values and how does the quality of the internet access change when they change one way or the other. This standard should be public and any ISP should be able to provide you with one copy if asked. Then, when looking for a contract, all ISPs should provide the different parameter values they can provide, for all the parameters in the standard. In this way, a user can take a truly informed decision on the quality of its internet access.

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of

Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states

and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Mark](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality regulations.
Date: 07 July 2016 23:38:30

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

I think there is no demand, because data caps are universally hated.

My name/organisation:
Mark Kalsbeek

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

I can think of none.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

I think the demand might be there, but certainly not in relation to speed. Rather making sure these services are secure and reliable are key in my opinion.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Specialised services give ISP's a way to regulate what content is most easily consumed. Apart from pointing to very orwellian possibilities I think this influence would make way for ISP's to manipulation the free market and give themselves or others undue advantages.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes, I think verizon throttling Netflix in the USA is a prime example of how it can and will go wrong.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No, never, the post office is not allowed to open my parcels, why should my isp be.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical

discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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[ZR#1v2]

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[TM#1v2v2]

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encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Kind regards,
A concerned citizen

Sent from my Alcatel Onetouch Idol 3 (5.5)

From: [Josef Schneider](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality response
Date: 09 July 2016 19:01:54

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

If a user can get service X from two providers, he is free to chose based on the service. If he can get one of the services zero-rated at his provider, he has a large incentive to chose this service, even if it is slightly worse than the other service. Microsoft once made people to use the Internet Explorer browser albeit better alternatives being available. The EU forced them to stop, because it destroys the free market. Zero-rating is exactly the same.

You are customer at big provider X. Now you either pay much more money for service Y or take it from company Z which is partner of X.

My name/organisation:
Josef Schneider

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

All critical infrastructure, including e-health and connected cars must be able to continue safe operation even when losing internet connectivity. Because of this, transmitting the data over the public internet can't be a safety issue, because some package loss or latency is still much better than total loss of connectivity.

This means there is no demand for specialised services. Services that need guaranteed connectivity over the public Internet infrastructure to ensure safety are broken by design.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Most services we take for granted on the internet today started as small experiments. That includes http which powers the whole web, SMTP and IMAP which are the base for e-mail and many more. This is what allows the internet to stay innovative. Everyone can implement a new protocol and use it. Adoption will mostly depend on the inherent features of the protocol. If a teenager from Latvia develops a new protocol that is better than one a multinational corporation created, it will be used. If he can't properly use his protocol, because big providers treat it differently than a worse protocol from Google, the innovative power of the Internet dies.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

If most people use some service from a company because this company is a partner of their provider, this company has no incentive for innovation. Other companies in that sector won't have enough money to create innovation or even to continue operations. This will result in an monopoly or oligopoly.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Providers get paid to transport digital packages. The content of that packages is of no concern to them. Should the postal service be allowed to analyze the contents of packages they ship and base decisions if and when they deliver the packages on the knowledge of that content?

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Not at all. If a ISP has not enough capacity for all traffic, they should not sell so much bandwidth. If they want to sell different speed classes of traffic, they should be allowed to do so. But the user should buy different traffic and the user should set the priority of the traffic. A user could for example buy a flatrate connection with low priority traffic and the option to use high priority traffic for a extra cost per megabyte. How much and what the user then transfers with high priority should be of no concern to the provider.

Intransparent package categorization by providers to hide the fact that their networks can't handle the bandwidth

they are selling is a no-go!

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

ISPs can't decide the technical requirements. They can sell different traffic for different prices, but they should not be allowed to decide what traffic is more important. This decision belongs to the customers of the provider. Only they understand their own traffic.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Reasonable traffic management is to end the contract of users that generate traffic the provider can't handle or improve their networks until they can handle the traffic.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

How much traffic does the provider guarantee at all times? Does the provider alter packages in any way? Does the provider analyze traffic in any way? Are there different traffic classes? Who decides what traffic belongs to what class? Are there price differences between traffic classes? Can a user freely decide what class traffic belongs to?

What information would you like to receive about the speed of your Internet connection?

Guaranteed minimum speed, maximum speed, average speed at different times. (speed in all cases meaning up- and download bandwidth and ping/latency)

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Providers should give a guaranteed minimum or maximum (where less is better like jitter, packet loss). They should be required to always fulfill this. They should also be able to give a maximum and average. A neutral controlling body should regularly test connections to verify that these values are correct and there should be fines for providers violating.

[NN#1v2]

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The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its

Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Diese Nachricht wurde von meinem Android-Mobiltelefon mit K-9 Mail gesendet.

From: [Simon Bucquet](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality
Date: 25 June 2016 11:52:29

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Simon BUCQUET/XMCO

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Kind regards,
A concerned citizen

From: [Godchilla23](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality
Date: 24 June 2016 19:31:57

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
F. Runge

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Bjacomy](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality
Date: 23 June 2016 20:35:09

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
JACOMY

[NN#1v2]

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The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this

regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the

complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Quizzical Wizard](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality
Date: 18 June 2016 18:27:57

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Zak Mason

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: magnetron1@alice.it
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality
Date: 18 June 2016 15:36:25

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Dario](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality
Date: 16 June 2016 17:45:42

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Kind regards,
Dario Chiappetta

From: [rodrigo White](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality
Date: 16 June 2016 15:49:42

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Rod Carvalho

[NN#1v2]

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—

regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Francois-Xavier Lamy](mailto:Francois-Xavier.Lamy)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality
Date: 16 June 2016 10:54:34

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name:
LAMY François-Xavier

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[SpS#2v2]

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Imke Feldmann](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality
Date: 15 June 2016 22:04:55

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Pawel Groniecki](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality
Date: 14 July 2016 10:05:02

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Pawel Groniecki

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: m_merwald@t-online.de
To: NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality
Date: 09 July 2016 17:02:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Michael Merwald

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market

to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring

paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Using M2, Opera's revolutionary e-mail client: <http://www.opera.com/m2/>

From: [g&c murphy](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality
Date: 09 July 2016 12:20:42

Dear

Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

The term commercial practices can mean any organisation or individual willing to pay for a service that gives them power over others. All end user requires fast equal access, anywhere and any time. Any system of grading or rating speed or access will negatively affect less able users.

My name/organisation:

Gerard Murphy - Retired Red Cross Delegate

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

There are to few internet service providers controlling access to net.

This alone is anti competitive.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

The individuals and organisations that want specialised service are unwilling to put pressure on internet service providers to improve the net for all, they are looking for selfish solutions for themselves at the expense of the majority of users

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

There are no positives to allowing access to the few with money and influence. Only open access will give everyone the possibility to innovate and explore the net.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Higher speed of access for commercial users will mean slower speed of access to humanitarian relief workers in field. This will mean commerce profiting from those in greatest need worldwide. It will increased distress and certainly lead to an early death for many.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet

inspection) for the purpose of traffic management?

No

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Internet service providers should operate as other neutral service providers, electricity can be used for what ever the user wishes. This principal must apply to the net.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes

What would you consider to be "reasonable" traffic management measures?
How can "unreasonable" traffic management measures affect you as a user?
Please, provide examples.

There are no reasonable traffic management measures, this is an excuse to lazy management and controlling, volume needs to be expanded to meet the requirements of all users

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

All information held by internet service providers must be openly available to the end user, in a format that is understandable and concise to that end user.

What information would you like to receive about the speed of your Internet connection?

All information relating to access in an easy read format and reasons if not up to standard.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

All offers should be included in contract, written as briefly as possible and approved by the Plain English Society or equivalent.

[NN#1v2]

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lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet.

Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit

services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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implementation of the legislation.#

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”.

BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under

the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft

guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Martin Tschöpe](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality
Date: 08 July 2016 23:19:15

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? No, there is no such demand in general. However it will be used if allowed

My name/organisation:
Martin Tschöpe

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Tv transmission

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

If these services can be implemented by providers, the quality and accessibility to the Internet will be reduced. It will further more provoke a reduction of the available data rates, and will not encourage the providers to increase the available bandwidth. See double paid traffic for customers of deutsche-telekom

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

This will lead to a discrimination of services, as some will not be available or too expensive. Services may not be able to pay for the bandwidth for their services, or require increased fees

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Deep packet inspection will lead to traffic shaping, that is to reducing bandwidth for services from other vendors. Therefore they will require fees for passing the data to the customer. Call it double paid traffic

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Not at all

This would lead to discrimination of services, and open source software

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Most likely this will be used as a way to discriminate services, that didn't pay for high speed transmission

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide

examples.

Reasonable traffic management ensures the quality of service for all users. However this may lead to discrimination of services

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Traffic management including commercial practices, speed, availability, ping,

What information would you like to receive about the speed of your Internet connection? Up speed, downspeed, ping over the course of the day. Minimum and average

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

These parameters should be listed as average and worst case.

[NN#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of

innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Ralf Kleineisel](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC net neutrality
Date: 08 July 2016 22:51:16

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet

access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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[TM#1v2v2]

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Kind regards,
A concerned citizen

From: [Dennis Pillmann](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality
Date: 05 July 2016 20:57:17

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dennis Pillmann

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Kind regards,
A concerned citizen

From: [Jann Schulz-Kuhnt](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality
Date: 04 July 2016 00:30:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jann Schulz-Kuhnt

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Kind regards,
A concerned citizen

From: [Robin](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality
Date: 02 July 2016 02:51:59

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Robin Schock

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Prof. Dr. Miles M. vom Heede](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality
Date: 15 July 2016 17:27:40

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Prof. Dr. Miles vom Heede
CEO
World Wide Travels

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with

their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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packet loss and bandwidth).

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Kind regards,
A concerned citizen
Prof. Dr. Miles vom Heede

From: [Roland Cernat](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC net neutrality
Date: 15 July 2016 10:22:33

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Roland Cernat / ObeyaDesign

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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However, if most of the current forms of zero-rating are going to be banned or severely restricted,

why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines. There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

Beste Grüße / Best Regards

Roland M. Cernat

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m: 0049 178 88 28 656

[linkedin: rolandcernat](#)

[twitter: @RolandCernat](#)

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From: [Nils Petersen](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Berec Net Neutrality
Date: 17 June 2016 09:15:14

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Nils Petersen

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Brian Dillon](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC Net Neutrality
Date: 15 July 2016 12:06:55

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Brian Dillon

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Kind regards,
A concerned citizen

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Brian Dillon
Composer, Producer, Sound Designer

A composer is a guy who goes around forcing his will on unsuspecting air molecules.

- Frank Zappa

www.dillbridge.com

From: [Ale Ileen](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC net neutrality guidelines
Date: 16 June 2016 10:49:35

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Alessandra Zanelli

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before “end-users” in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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[ZR#1v2]

“Zero-rating” is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications,

but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Ariane Baslé](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC Net-neutrality guidelines
Date: 10 July 2016 16:24:36

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Ariane Baslé

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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[TM#1v2v2]

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Kind regards,
A concerned citizen



Garanti sans virus. www.avast.com

From: [stoff4ever](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC NN-Consultation
Date: 09 July 2016 10:29:59

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

Commercial Practices are ways tha companies try to shape and change their business model to create more profit for themselves. ISP that, for the majority of them it is true, no longer are only providing internet access but are now trying to find new business models, like content delivery/video on demand, advertising services, hosting, mail, telefon, etc. No, it is only another way to skew the relationship between content creators and ISP, some of which are also content creators or at least offering "their own" prioritized/preferred content. Zero-rating always impacts/influences the free choice of the end users.

My name/organisation:

Christoph Ponikwar

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet? VOIP, which has technical limitation like latency and in order arrival of packets, as the human ear is very particular about a lag.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

One could always create a demand but instead these services should take into account that they will be sharing the access to their customers with everybody else, so optimize for low bandwith try to be latency tolerant (<= engineer your stuff well and don't blame others). If specialised services like e-health should be institutianlised then the to be classified as a e-health service should be easy equally possible for multimillion companies than start ups.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

positive impacts:

- new specialised service/new business models (ISP will always take a big cut)

negative impatcs:

- as a new business you will be forced to pay ISP to deliver your content as a specialised service

- as a consumer your media consumption will be influnced by the specialised services your ISP provides

- as a consumer you may have to pay more as not all specialised services you want may be included in the base tier. (2-class internet access)

- ISPs may block or tamper with competing services by prioritizing their own and making others impractical to use

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes, I could be forced to choose the provider preferred online video/movie-streaming service, as it may be zero-rated or simply prioritized as network traffic and hence the video playback is smooth and not stuttering. The losers are the consumers and the independent/smaller content creators that can not afford to cut a deal with major ISP for content delivery.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No, this is like the equivalent of the postman opening and reading your letter to decide whether it can wait to be delivered or it should be delivered immediately.

ISP imho should be dumb pipes delivering traffic from A to B and as fast as possible for everybody with what ever content they have.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Not, only if I, as the end user, (my router), does request a prioritization but often ISP disregard these and only determine at there liking.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

This is the VOIP example and yes it would impact my freedom if they only prioritize their VOIP service and not the VOIP service of *insert VOIP company here (like sipgate)*. If they equally prioritized VOIP services, based on QoS Flags in the Packet Header then no it will improve my internet usage.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Like above prioritizing traffic equally like in the VOIP example if the ISP treats every VOIP-Provider equal in traffic shaping than it is reasonable if not then they give others, like their own service, a unfair compatitive advantage.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

All of the above, ISPs should be force to provide detailed information about their practices when departing from "the best effort for everyone"-paradigm.

What information would you like to receive about the speed of your Internet connection?

latency, jitter, packet loss, congestion during the day to key IXs (InterneteXchange) by the hour.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Yes, a feasible way might be the definition of acceptable ranges like typical latency below 100ms to next big IX (InterneteXchange).

[NN#1v2]

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[SpS#1v2]

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: bjoern.emil@gmail.com
To: [NN-Consultation](#)
Subject: BEREC shouldn't dismantle net neutrality in exchange for 5g. Zero rating influences my decisions online and discriminates between online services and applications
Date: 13 July 2016 09:40:05

BEREC Regulators

With the release of the 5g manifesto, telecommunications companies all over Europe plead to "open up" the rules for Internet pricing, so different websites/data can be priced differently. In my opinion this is the most anti consumer direction the Internet could take. It only serves to lessen the diversity of the Internet as access to certain websites will be cheaper, and making the lives of Telcom easier as they will have more control over our usage and another pay wall to enforce.

The intention of BEREC is to protect the citizens of the European Union from malicious business practices, and this is it. No extortion based tactics should change that. We don't need 5g in Europe if it means dismantling our freedom on the Internet. Any form of differential treatment of access to certain websites would do just that.

"Zero-rating" is a commercial practice imposed by Internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the Internet. A number of clear restrictions on zero-rating are included in BEREC's draft guidelines. However, those guidelines could be further clarified to ensure harmonisation in users' rights and simplify the work of the National Regulatory Authority.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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Sincerely,

Emil Bjørn

From: [Fresher & Prosper Ltd](#)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREC stakeholder comment (Net Neutrality)
Date: 15 July 2016 20:29:53

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

MHL (Fresher and Prosper Ltd, Web Development Agency)

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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MHL on behalf of Fresher and Prosper Ltd Web Development Agency

From: [Walter Sereinig](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREK Stakeholder comment
Date: 29 June 2016 13:03:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREK net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

Commercial practices are actions that deviate from standard non-data-discriminating practice for the profit of the ISP. Such demand exists on both the ISP and the end user side. It becomes a problem once the end user doesn't have to pay a surcharge for the commercial practice, since then someone else is paying - meaning they have to gain from it. Any such situation where the end user doesn't gain from a change in standard practice, must be to the end user's detriment.

My name:
Walter Sereinig

What other "specialised" or "optimised" services (that can give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Security and Monitoring systems (Security Camera video feeds, Motion detector and other sensor systems' data feeds) - requires reliability and stability beyond what best-effort can afford.

Gateway to Gateway VPN tunnels (for physically distributed locations to use the same LAN) - can offer significant performance benefits vs. running over standard internet routes, especially in high-bandwidth low-latency applications such as data storage (iSCSI, FCoE, etc.)

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Potentially "Cloud" storage, and to a lesser extent, computing. Storage is only available in different forms, with the encryption possibilities of NFSv4 however, service providers could offer low-latency network storage that can even be used like local storage with usable performance (latencies of <10ms, transfer rates of >250 Mbit/s)

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Positive: select free services available for the consumer.

Negative: Masking of cutting-edge standard services as 'specialized services' by ISPs thereby exploiting the system, enabled by the inflexibility and sluggishness of the law in reflecting technological advancements, or by the ignorance of regulators to those same advancements.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes

Example: flat rate 50Mb/s for 20 Euro/month between user and ISP. Netflix

wants prioritized traffic, therefore the ISP takes money from Netflix in return for changing the user's contract to prioritize Netflix (using QoS rules - making the difference hard to perceive but measurable while keeping up the front of 'best effort' without having to change the contract, or by flat-out selling contracts with more bandwidth to the Netflix server - equivalent less bandwidth to the rest of the internet). The QoS would kill my connection to any other content provider that I use (I don't use Netflix).

While if I as an end user know that I want more Netflix, I might be willing to pay a surcharge for such a contract myself.

The problematic transaction is the cash flow from Netflix to the ISP. Therefore, any profitable transaction for an ISP that does not originate from an end user should be seen as questionable and scrutinized.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Yes they should, as DPI only works on unencrypted traffic. The outcome of the DPI should therefore be garbage data, since all the traffic on the internet should be fully encrypted. Every user should be responsible for their own privacy and fully encrypt all of their traffic (or use Tor). Users cannot rely on trusting the law, the ISP, their own and other countries' intelligence organizations, the Starbucks hotspot provider they are using, their preinstalled Microsoft Windows operating system, etc. to respect their privacy. Any traffic on the internet should automatically be assumed to be public. Effective encryption on the client side is the only solution, though even that should be questioned (Windows 10 spying, Intel RNG being PRNG). With strong encryption, the ISP can snoop whatever the hell they want, and they won't find a damn thing to manage the traffic.

[NN#1v2]

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From: [Alan Tiedemann](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Berec stakeholder comment
Date: 08 July 2016 21:30:40

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Zero rating will decrease the availability of services, not increase it. Maximum would be an oligopol, which is bad for competition and for the development of the society.

My name/organisation:
Alan Tiedemann

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

I do not envision any "specialised services" beyond live medical operations.

Autonomous driving is NOT a service which must rely on an Internet connection at all. All autonomous vehicles must always be able to do exactly that: drive autonomously. This means: no Internet. Otherwise, this is not autonomous driving. q. e. d.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

No, as stated above, maximum live medical operations. Everything else does not need to be offered or is counterproductive.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Specialised services reduce the openness of the network and discriminate smaller companies. Always.

I see no positive impact for the public and for society at all.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Example: music streaming services. There will never be more than a few if my provider decides to put one or two on the list for zero rating, because the majority of users would not choose any other streaming service than the one which got zero rating.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Deep packet inspection should be prohibited by law. Encryption should be enforced. Simple thing.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? My ISP should not be allowed to do any of the mentioned things. I am the customer, I

choose my priorities.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes, because I would not be able to use the service (video, music, games, shopping, communication etc) of my choice.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

There is no reason for the ISP to treat my traffic different from what I choose on my side.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

All ISPs should be forced to provide all necessary information like external bandwidth, peering points, saturation of the backbone etc. Then I would be able to choose the ISP which suits my needs.

What information would you like to receive about the speed of your Internet connection?

I would like to have regular feedback about backbone saturation, outages, upload and download bandwidth and ping. This should be provided on an hourly, daily, weekly and monthly basis by the ISP.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Availability, bandwidth and ping should be guaranteed in percent, data rate and milliseconds. Breach of the guaranteed rates should be punishable financially.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation

from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate

implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the

functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
Alan Tiedemann

From: [roberto_garcia](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BERECE
Date: 20 June 2016 14:24:26

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BERECE net neutrality guidelines creation into consideration.

My name/organisation:
Roberto García Arenillas

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BERECE guidelines create a solid foundation for the protection of these principles. The enormous task BERECE was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the

average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite

obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2), and 16 of the Charter of Fundamental Rights).

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that

the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

Roberto García Arenillas
A concerned citizen

From: [Arved](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Berec
Date: 21 June 2016 15:02:09

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Private user

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

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Kind regards,
A concerned citizen

From: [Chris Del](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: berec
Date: 22 June 2016 09:45:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? it is a service which improve the business and facilitate the research and information of the customer but it also a manipulation (google addworks). this practices should be optional and could be disable by the end user

My name/organisation:
rittermeister/iee

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Not for the moment but, I think that the services for the next five or ten years are not existed now

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Not for the moment but in the future i think it will have a such demand

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

segregation by the money and the level of information.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

yes, because when you search for information, the result is altered by the research engine and you are not sure that the answer is the best for you.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No,but sometimes deep inspection is just a matter of security

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? just for the respect of the technical feature

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

no

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide

examples.

reasonable : downloading big file

unreasonable : access to website content

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

all

What information would you like to receive about the speed of your Internet connection? the real technical parameter and not the commercial maximum

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

yes

[NN#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Mario Morelli](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: berec
Date: 01 July 2016 12:08:59

From: [Maria Isabel da Cruz Jacinto](mailto:maria.isabel.da.cruz.jacinto@berec.europa.eu)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC
Date: 19 June 2016 13:38:40

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jörg Zielske / El Lagarto GmbH

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and

start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Gesendet von Windows Mail

From: [Siegmar Warnecke](mailto:Siegmar.Warnecke@bereg.eu)
To: [NN-Consultation: allow-submission-to-bereg@consultation.savetheinternet.eu](mailto:NN-Consultation:allow-submission-to-bereg@consultation.savetheinternet.eu)
Subject: Berec
Date: 14 July 2016 23:24:43

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Siegmar Warnecke

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Kind regards,
A concerned citizen

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Siegmar Warnecke's Six Doors

[Der Kunst und Kulturblog
für den gepflegten Polymath](#)

<http://six-doors.blogspot.de>

from the desk of

Siegmar Warnecke
Regisseur-Autor-Storyboard

tel_+49.89.961 90 466
mob_+49.1577.38 06 356
mail_ sigmasmart@yahoo.de

From: [Harry](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:NN-Consultation:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREK
Date: 18 June 2016 12:34:58

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREK net neutrality guidelines creation into consideration.

My name/organisation:
Harry Ramsdale

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [THE_TOSSER](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BERECE
Date: 16 June 2016 20:56:25

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
mark stewart

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Patricia Virsik](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BERECE
Date: 16 June 2016 20:26:45

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Patricia Virsik

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Pier Luigi Ratti](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BEREK
Date: 16 June 2016 13:25:34

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREK net neutrality guidelines creation into consideration.

My name/organisation:
Pierluigi

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
ISP should never interfere. There should be no priority. It must be guaranteed an average usage the same for everyone

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
The traffic management should not impede user choice. Quality and speed should remain consistent regardless of the type of content being accessed. ISPs cannot manage traffic in a way which would block, alter, slow or throttle access to any specific application, service or content. In short, discrimination should not be allowed.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

I don't know

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

All traffic information is needed to understand how to transparently manage the traffic.

What information would you like to receive about the speed of your Internet connection?
ISPs should tell you the average available speed of their connection with a specification of the maximum and minimum speed in a user-friendly way, for example via a diagram or image.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

ISPs should provide information on quality of services parameters in very clear language in all contracts. Concrete examples should be provided to help users understand the practical impact on their Internet access service is a publicly available electronic communications service that provides access to the Internet, and thereby connectivity to virtually all end points of the Internet, irrespective of the network technology and terminal equipment used internet access service.

[NN#1v2]

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business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[ZR#1v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Massimo Fornaciari](mailto:Massimo.Fornaciari)
To: NN-Consultation
Subject: BEREC
Date: 13 June 2016 01:17:51

----- Messaggio originale -----

Da: Massimo Fornaciari <mail@massimofornaciari.eu>

A: nn-consultation <nn-consultation@berec.europa.eu>

Data: 8 giugno 2016 alle 23.22

Oggetto: BEREC

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

The Regulation has very clear rules on what constitutes reasonable traffic management. According to Article 3(3), all traffic management should be done in an application agnostic way, if possible. Class-based traffic management harms competition; it risks unintended damage to specific applications; it can discriminate against encrypted traffic; it creates uncertainty for content application and service providers; it stifles innovation; it can harm individual users, and can create regulatory overload. Therefore, applying class-based traffic management in situations where application agnostic traffic management would suffice is neither necessary, proportionate, transparent for the user, nor non-discriminatory.

The diversity and innovative capacity of the Internet ecosystem is built upon the low cost of innovation and low barriers to market entry. These principles ensure that from day one, every enterprise, startup or non-commercial service – no matter how small or well funded – has the potential to reach a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy is only ensured by an open, neutral and non-discriminatory Internet. When ISPs are allowed to interfere with the decisions of their customers by economic or technical discrimination, this essential freedom is lost. According to Recital 1 of the Regulation on net neutrality, the legislation has to be interpreted in light of these goals.

Economic discrimination (zero rating) interferes with my right under Article 3(1) to access and, in particular, to distribute information freely. When an ISP discriminates between providers of content, applications and services via an Internet access service by making them unequally accessible, this constitutes an arbitrary interference in the essence of my right. Furthermore, this practice restricts my rights under the Charter of Fundamental Rights (Articles 11, 15(2), and 16). Therefore, economic discrimination must not be allowed under the BEREC guidelines.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing

problems, particularly in this context.

Kind regards,
MASSIMO FORNACIARI

dott. Massimo Fornaciari

cell. n° +393803497541

Confidentiality.

Pursuant to Legislative Decree No. 196/2003 and art. No. 10 Legge No. 675/'96, you are hereby informed that this electronic transmission is strictly confidential to the sender and intended solely for the addressee. It may contain information which is covered by legal, professional or other privilege. If you are not the intended addressee, or someone authorised by the intended addressee to receive transmissions on behalf of the addressee, you must not retain, disclose in any form, copy or take any action in reliance on this transmission. If you have received this transmission in error, please notify the sender as soon as possible and destroy this message. Thanks.

From: [Massimo Fornaciari](#)
To: [NN-Consultation](#)
Subject: BEREC
Date: 09 June 2016 00:22:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

The Regulation has very clear rules on what constitutes reasonable traffic management. According to Article 3(3), all traffic management should be done in an application agnostic way, if possible. Class-based traffic management harms competition; it risks unintended damage to specific applications; it can discriminate against encrypted traffic; it creates uncertainty for content application and service providers; it stifles innovation; it can harm individual users, and can create regulatory overload. Therefore, applying class-based traffic management in situations where application agnostic traffic management would suffice is neither necessary, proportionate, transparent for the user, nor non-discriminatory.

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Economic discrimination (zero rating) interferes with my right under Article 3(1) to access and, in particular, to distribute information freely. When an ISP discriminates between providers of content, applications and services via an Internet access service by making them unequally accessible, this constitutes an arbitrary interference in the essence of my right. Furthermore, this practice restricts my rights under the Charter of Fundamental Rights (Articles 11, 15(2), and 16). Therefore, economic discrimination must not be allowed under the BEREC guidelines.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
MASSIMO FORNACIARI

*dott. Massimo Fornaciari
cell. n° +393803497541
Confidentiality.*

Pursuant to Legislative Decree No. 196/2003 and art. No. 10 Legge No. 675/'96, you are hereby informed that this electronic transmission is strictly confidential to the sender and intended solely for the addressee. It may contain information which is covered by legal,

professional or other privilege. If you are not the intended addressee, or someone authorised by the intended addressee to receive transmissions on behalf of the addressee, you must not retain, disclose in any form, copy or take any action in reliance on this transmission. If you have received this transmission in error, please notify the sender as soon as possible and destroy this message. Thanks.

From: [Massimo Fornaciari](#)
To: [NN-Consultation](#)
Subject: BEREC
Date: 08 June 2016 00:25:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

The Regulation has very clear rules on what constitutes reasonable traffic management. According to Article 3(3), all traffic management should be done in an application agnostic way, if possible. Class-based traffic management harms competition; it risks unintended damage to specific applications; it can discriminate against encrypted traffic; it creates uncertainty for content application and service providers; it stifles innovation; it can harm individual users, and can create regulatory overload. Therefore, applying class-based traffic management in situations where application agnostic traffic management would suffice is neither necessary, proportionate, transparent for the user, nor non-discriminatory.

The diversity and innovative capacity of the Internet ecosystem is built upon the low cost of innovation and low barriers to market entry. These principles ensure that from day one, every enterprise, startup or non-commercial service – no matter how small or well funded – has the potential to reach a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy is only ensured by an open, neutral and non-discriminatory Internet. When ISPs are allowed to interfere with the decisions of their customers by economic or technical discrimination, this essential freedom is lost. According to Recital 1 of the Regulation on net neutrality, the legislation has to be interpreted in light of these goals.

Economic discrimination (zero rating) interferes with my right under Article 3(1) to access and, in particular, to distribute information freely. When an ISP discriminates between providers of content, applications and services via an Internet access service by making them unequally accessible, this constitutes an arbitrary interference in the essence of my right. Furthermore, this practice restricts my rights under the Charter of Fundamental Rights (Articles 11, 15(2), and 16). Therefore, economic discrimination must not be allowed under the BEREC guidelines.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
MASSIMO FORNACIARI

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From: [Ernestine Schulz](mailto:Ernestine.Schulz)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BERECE
Date: 15 July 2016 21:16:44

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BERECE net neutrality guidelines creation into consideration.

My name/organisation:
Schulz Ernestine
Haselbergstr. 7
D 84326 Falkenberg

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BERECE guidelines create a solid foundation for the protection of these principles. The enormous task BERECE was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BERECE guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum

bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation".

BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the

media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Michael Bischoff](#)
To: [allow-submission-to-berec](#); [NN-Consultation](#)
Subject: BEREC
Date: 15 July 2016 06:41:24

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Michael Bischoff

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Please treat this comment confidentially and don't publish it.

Kind regards,

Michael Bischoff
Turmstraße 12
D-97990 Weikersheim

+49 1577 1916453

From: [Stefanie Betz](mailto:Stefanie.Betz@savetheinternet.eu)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC
Date: 15 July 2016 00:52:24

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Stefanie Betz

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Halim Zoer](#)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BERECE
Date: 13 July 2016 20:59:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BERECE net neutrality guidelines creation into consideration.

My name/organisation:
H. Zoer, De Kanselarij

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BERECE guidelines create a solid foundation for the protection of these principles. The enormous task BERECE was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and

start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this

regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the

complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Kind regards,
A concerned citizen

From: [Karsten Rathcke Jensen](mailto:Karsten.Rathcke.Jensen)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC
Date: 04 July 2016 14:47:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Karsten R. Jensen

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications,

but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [William](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BERECE
Date: 30 June 2016 23:07:24

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BERECE net neutrality guidelines creation into consideration.

My name/organisation:
Matthew Turner

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BERECE guidelines create a solid foundation for the protection of these principles. The enormous task BERECE was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Immobiliare Mantovani](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC
Date: 30 June 2016 12:18:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Giorgio Mantovani

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[ZR#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,



Mail priva di virus. www.avast.com

From: [Barb](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREK
Date: 28 June 2016 00:20:07

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREK net neutrality guidelines creation into consideration.

My name/organisation:
Barbara Kaspari

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREK guidelines create a solid foundation for the protection of these principles. The enormous task BEREK was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREK guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

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[ZR#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with

the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Von meinem iPhone gesendet

From: [Pawel Goc](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BERE
Date: 16 July 2016 01:06:29

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Pawel Goc

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Sebastian Kraft](#)
To: [NN-Consultation](#)
Subject: BEREC
Date: 15 July 2016 21:56:58

Document number: BoR (16) 94
Document date: 02.06.2016
Date of registration: 06.06.2016
Document type: Public Consultations
Author: BEREC

Hi,

I think it's important to treat all traffic equally. That would mean real "Net neutrality".

Thanks!
Sebastian Kraft
kraft@me.com
Hamburg, Germany

From: [Bissoft. Roman Denisov](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: berec
Date: 29 June 2016 11:00:18

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Roman Denisov, Bissoft Tmi

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management? ISPs are tool to connect, not regulating authority. ISP cannot decide for consumer which packets are better than others.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? ISP's work is to guarantee connection speed no matter what traffic is sent. Today's technologies allow very fast connection speeds, that is enough for video, P2P etc without prioritizing traffic by ISP. It's up to user and it's protocols to decide which traffic should be prioritized, not ISP.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes, giving right to discriminate content to ISP limits my freedom and complicates business. ISP's role is provide tools to communicate, not regulate communication.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Traffic management is reasonable only when it is controlled by traffic senders and receivers, but not transmitters.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

For example, guaranteed average speed is 100Mb/s, latency no more than 20 ms, packet loss 1%. If customer does not use more than 10% of bandwidth (checked every minute), then guaranteed speed is 1Gb/s latency no more than 5ms, packet loss 0.1%.

[NN#1v2]

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Kind regards,
A concerned citizen

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Bisoft
logistic apps

tel: +358 (44) 270 65 26
e-mail: roman@bisoft.fi
www: www.bisoft.fi

From: [Valerie Orr](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Berec
Date: 07 July 2016 13:46:44

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Valerie Orr

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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Kind regards,
A concerned citizen
Valerie Orr
Sent from my iPhone

From: [Johannes Layher](mailto:Johannes.Layher@savetheinternet.eu)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: BEREC: save the internet!
Date: 04 July 2016 19:40:46

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Johannes Layher

[SpS#2v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business

models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Johannes Layher

From: [Birgit Viohl](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: BERECH net neutrality guidelines consultation
Date: 15 July 2016 11:45:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Birgit Viohl

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?
To be honest, I found the term commercial practices clear and find the practice of zero rating to be in contradiction to it.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
working with customs administrations I can imagine that there services that do require stable and fast connection beyond of what a usual internet user requires. I do however not understand the technological implications of such services and why it would be impossible to offer them over the "best effort Internet". It is unfortunate that this technological understanding is required to be able to fully assess telecommunication providers' claims for optimised services. I would therefore like to see the European Authorities undertake a neutral study or publish their knowledge on the technological underpinnings of this exception provided for in the regulation.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
See above

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
As mentioned above I do feel that this question requires a technological knowledge of the Internet. In absence of this I can only guess at what would be negative impact i.e. the focus on developing more and better service for optimised services for which providers can charge more to the detriment of the common services, despite the fact that most Internet usage will be in the latter area. Positive impact? Providers have more funds for investment - if they were to use it for investment and not profit.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Ideally, there should not be any interference. I already find the practices of bundling traffic on network and routing rules as limiting my Internet access.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes, I do think so.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
Reasonable appears to me to stand for any management necessary to maintain network stability. Unreasonable any activity that is undertaken for costs implications, i.e. rerouting of traffic etc.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?
A better understanding of the structure of the internet; i.e. the architecture beyond the plug in the wall, as well as the technical conditions of services

What information would you like to receive about the speed of your Internet connection?

I would like to receive a better explanation of different parts that make up the network; the wires and their difference starting at my plug, from the bigger wires or satellites. Someone I feel that providers sell a good connection i.e. optical fiber, but forget to tell you that you still have an old wire connecting the last 10 meters to your plug.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Yes, they should be defined. First the terms should be explained in their impact on usage and access, than the benchmarks, before the actual performance. This could be a bit like in blood tests, where there is a list of indicators, their range, the interpretation of the range, and the actual finding.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2). In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Josep](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: BEREC's draft
Date: 20 June 2016 14:39:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Josep Creus Portolés, EU citizen

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: jb_koffi07@daum.net on behalf of [Johnbosco Koffi](#)
To: jb_koffi07@daum.net
Subject: Bonjour
Date: 13 July 2016 14:14:01

Bonjour,

Je viens avec respect par cette lettre vous expliqué mon désir d'entré dans une relation durable et sincère avec vous et aussi d'une affaire financière qui sera bénéfique pour vous et moi.

Je suis Rosaline koffi j'ai 20 ans,j'ai un petit frère qui s'appelle jean bosco koffi qui a 14 ans, qui est dans une orphelinat nous avons hérités d'une somme d'argent de mon défunt parent qui est décédé dans la crise ivoirienne. je voudrais vous demandé une aide pour le transfert de cet argent dans votre compte bancaire et utilisé cet argent dans un projet qui pourra nous être bénéfique .

nous voulons que vous nous aider à transféré la somme de (3 .500.000 € (Trois Millions cinq cent mille euros)nous ne connaissons pas grande chose dans les affaires bancaires c'est pourquoi nous voulons votre aide a transféré cet t'argent dans votre compte bancaire .

On vous donnera le contact de la banque ou mon père a déposer cette somme afin que vous les contacter et aussi le contact du notaire de notre famille nous ne connaissons pas grande chose dans la transaction bancaire voila pourquoi nous vous sollicitons votre aide.

nous vous donnerons 20% de cette somme pour votre aide,et le reste de 80% nous vous demandons encore d'investir cet argents dans une bonne affaire pour nous et aussi continué nos études dans votre pays si le transfert est effectué dans votre compte.

nous comptons vraiment sur vous,car je sais que vous ne pouvez pas nous trompé dans cette affaire. S'il vous plait, c'est très important et urgent de nous contactez immédiatement pour plus d'explication et aussi pour vous parler de la suite de cette affaire.

Sincèrement votre,

Dans l'attente de vous relire recevez mes meilleurs salutations.

voila mon contact email: famille.koffi501@yahoo.fr

Que Dieu vous bénisse.

Mlle Rosaline



From: [Zajic Pavel](#)
To: [NN-Consultation](#)
Cc: [Pospíšilová Katerina](#)
Subject: BoR (16) 94 - Public consultation on draft BEREC Guidelines on implementation of net neutrality rules - comments O2 CZ
Date: 15 July 2016 16:27:49

Dear Sir or Madam,

thank you for this opportunity to participate on the consultation to the draft BEREC Guidelines on implementation by National Regulators of European net neutrality rules - BoR (16) 94.

Below we are sending comments of [O2 Czech Republic a.s.](#)

General comments:

The Regulation and the Guidelines prepared by BEREC are focused to safeguard customers' rights. However both documents should also ensure to all participants (providers) on this market possibility to bring new solutions, new business models and thus new services and opportunities for customers.

In this light we recommend to emphasize in BEREC guidelines the obligation for national authorities to evaluate only clear limitations or restrictions of customers' choice but not business or technical logic behind specific offers of any provider.

Any provider should drive its own costs and should not be demotivated from investments. Any provider should be able to generate a fair income and bring a new business models that enable network investment.

Any electronic communications provider or any content provider should not be disadvantaged against newly emerged services, e.g. OTT services.

Above mentioned principles should be applied also to category of specialized services.

Zero-rating:

In our perspective, zero-rating could bring innovative services in behalf of customers and as such it could not be labelled as prohibited practice.

Zero-rating should only be prohibited in case when customers' possibility to reach other content is clearly limited or restricted.

Traffic management:

Traffic management is a basic safety measure applied by network providers to keep a balance between customers' requirements and network investments. The Regulation and the BEREC guidelines should not lead to increase traffic volume on one hand and to restrict any meaningful traffic management on the other hand. The investments to networks must be under control of its providers. The investments must not be driven by regulation.

As described above in this case providers would lose control of costs and income and they would naturally be demotivated from any investments.

Transparency requirements:

In the draft guidelines a list of categories and a speed definitions for fixed and mobile networks are evaluated separately.

We are convinced this is the only possibility to bring meaningful speed definitions for both

network types. Any other approach we consider unacceptable and undeliverable.

Kind regards

Pavel Zajíc

Pavel Zajíc | O2 Czech Republic a.s.
regulation specialist
M +420 606 729 362 | pavel.zajic@o2.cz

From: [Thomas Opsomer](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Cc: kyle.wiens@ifixit.com; [Matthias Huisken](#)
Subject: business stakeholder comment regarding BEREC net neutrality guidelines
Date: 30 June 2016 12:45:32
Attachments: [logo_email.png](#)

Dear Sir or Madam,

Please take into consideration this business stakeholder comment regarding the BEREC net neutrality guidelines.

Name of our company:
iFixit GMBH, Tränkestrasse 7, D-70597 Stuttgart

[SpS#demand] Does your company have demand for [specialised services](A specialised service is any service provided over the Internet access connection that is given additional quality by the Internet access company. Under the Regulation, this optimisation must be objectively necessary for the electronic service being accessed and not simply granting priority to the service. The access provider must also ensure that there is enough capacity so that the quality Internet access is not undermined. The necessity should be verified by the national telecommunications regulatory authority. In short, a "specialised service" cannot be a discriminatory "fast lane".)?

No.

SpS#compete] What would be the impacts of [specialised services](Specialised service is any service provided over the Internet access connection that is given additional quality by the Internet access company. Under the Regulation, this optimisation must be objectively necessary for the electronic service being accessed and not simply granting priority to the service. The access provider must also ensure that there is enough capacity so that the quality Internet access is not undermined. The necessity should be verified by the national telecommunications regulatory authority. In short, a "specialised service" cannot be a discriminatory "fast lane".) on your possibility for future innovation and your ability to compete?

Specialised services would not improve our ability to compete and could potentially harm our business if they negatively affected non-specialised internet traffic.

[investment#1] If zero-rating or other discriminatory practices are allowed, how would that affect your ability to attract investment?

/

[AMA#1] Do you have any other comments for BEREC?

/

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under

Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get “free” access to others), this constitutes an arbitrary interference of users’ rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that “National regulatory and other competent authorities should be empowered to intervene” and “should be required, as part of their monitoring and enforcement function, to intervene” only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users’ right of Article 3(1) to impart information, and therefore materially reduce end-users’ choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is therefore logical that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC’s mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the “consistent application of this Regulation” by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are

misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned business

Thomas Opsomer
Repair policy engineer
iFixit Europe



Mission: www.ifixit.org

Repair manuals: www.ifixit.com

Tools / Spare parts EU: <http://eustore.ifixit.com/>

From: rgil@reylabs.com
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: business stakeholder comment regarding the BEREC net neutrality guidelines (resend of comments due to improper copying of information)
Date: 30 June 2016 08:47:10

Dear Sir or Madam,

Please take into consideration this business stakeholder comment regarding the BEREC net neutrality guidelines.

Name of our company:
Reylabs Inc.

[SpS#demand] Does your company have demand for [specialised services](A specialised service is any service provided over the Internet access connection that is given additional quality by the Internet access company. Under the Regulation, this optimisation must be objectively necessary for the electronic service being accessed and not simply granting priority to the service. The access provider must also ensure that there is enough capacity so that the quality Internet access is not undermined. The necessity should be verified by the national telecommunications regulatory authority. In short, a "specialised service" cannot be a discriminatory "fast lane".)?

Yes, we deliver realtime business-critical data services over the Internet between commercial and industrial locations. We monitor the energy consumption of industrial and commercial equipment. We are like "Fitbit for Machines".

SpS#compete] What would be the impacts of [specialised services](Specialised service is any service provided over the Internet access connection that is given additional quality by the Internet access company. Under the Regulation, this optimisation must be objectively necessary for the electronic service being accessed and not simply granting priority to the service. The access provider must also ensure that there is enough capacity so that the quality Internet access is not undermined. The necessity should be verified by the national telecommunications regulatory authority. In short, a "specialised service" cannot be a discriminatory "fast lane".) on your possibility for future innovation and your ability to compete?

It would make it difficult to expand data services between location to allow for collaborative problem solving of energy consumption issues affecting the cash flows of many of our customers.

[investment#1] If zero-rating or other discriminatory practices are allowed, how would that affect your ability to attract investment?

This type of discriminatory practice would affect our ability to scale up our services to underserved mid-market customers. It would limit our ability to deliver critical data analytic services designed to remotely monitor, detect and respond to health and fire safety issues with industrial and commercial equipment across a network of locations. We are part of global the Internet of Things for the industrial and commercial sector of our economy.

[AMA#1] Do you have any other comments for BEREC?

I believe these regulations ignore the fastest growing segment of Internet services - Internet of Things for consumer, industrial and commercial sectors of our economy. These new services are significantly more time-critical and cannot be subjected to unfair and complex tampering of the service or there will be harm to service providers, customers and local economies.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned business

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Reynaldo Gil

<http://www.reylabs.com>

408.661.5142(Android Cell)

From: rgil@reylabs.com
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: business stakeholder comment regarding the BEREC net neutrality guidelines
Date: 30 June 2016 08:44:12

To Whom It May Concern,

[SpS#compete] What would be the impacts of [specialised services](Specialised service is any service provided over the Internet access connection that is given additional quality by the Internet access company. Under the Regulation, this optimisation must be objectively necessary for the electronic service being accessed and not simply granting priority to the service. The access provider must also ensure that there is enough capacity so that the quality Internet access is not undermined. The necessity should be verified by the national telecommunications regulatory authority. In short, a "specialised service" cannot be a discriminatory "fast lane".) on your possibility for future innovation and your ability to compete?

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[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned global business with operations in Silicon Valley and Europe

Reynaldo Gil

<http://www.reylabs.com>

408.661.5142(Android Cell)

From: [Michael Colesky](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Call to protect net neutrality
Date: 07 July 2016 12:54:23

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Michael Colesky / Radboud University Nijmegen

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their

data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic

management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Andrzej Nalecz](#)
To: [NN-Consultation](#)
Subject: CARS response to the public consultation on BEREC Guidelines on the Implementation by National Regulators of European Net Neutrality Rules
Date: 13 July 2016 17:12:29

**CARS response to the public consultation on
BEREC Guidelines on the Implementation by National Regulators of European Net Neutrality
Rules**

BoR (16) 94

Prof. Dr. Stanislaw Piatek (spiatek@wz.uw.edu.pl)

Dr. Andrzej Nalecz (analecz@wz.uw.edu.pl)

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Transparency Register identification number: 081850922611-91

Article 2. Definitions. Paragraph 7.

Definitions contained in Article 2 of Directive 2002/21/EC have significant impact on the interpretation of many provisions of the Regulation. Therefore it is important to properly indicate the definitions of the Directive that apply. Paragraph 7 requires twofold corrections in this regard. First, it overlooks the terms that are used in the Regulation and defined in the Directive. The term "national regulatory authority" is defined in Article 2 letter (g) of the Directive and is used in many provisions of the Regulation (a.o. in Article 4(4), Article 5 (1-3)). The term "public communications network" is used in the definition of the "provider of electronic communications to the public" (Article 2 point 1) and is of primary importance for the scope of application of the Regulation. Although the term "public communications networks" is mentioned in Paragraph 8 of the draft Guidelines, a direct listing of its definition in Paragraph 7 would be appropriate. Second, the list of definitions in Paragraph 7 contains the definition of "network termination point (NPT)". This term is defined in Article 2 letter (da) of the Directive, but is not used in the Regulation as Paragraph 7 seems to indicate. Paragraph 23 of the Guidelines refers to the NPT, which however doesn't mean that this term is used in the Regulation. The Regulation uses the term "end points of the internet" (Article 2 point 2) or internet "end-points" (Recital 4) which both technically and legally differ from network termination points. Therefore the term "network termination point" should be removed from Paragraph 7 as this indication may be misleading.

Article 2. Definitions. Section: Provider of electronic communications to the public. Paragraphs 8-12.

There is a practice in the EU of offering municipal broadband internet access to the general public. Under Polish national legislation, namely the Law of 7.05.2010 on the Support for the Development of Telecommunications Services and Networks (Journal of Laws of 2015, position 880, amended)^[1], local government authorities may offer internet access via public hotspots. Such a service is provided free of charge to all end-users in public spaces (which distinguishes this service from private hotspots, e.g. in cafés). The properties of the service relating to the area where the service is

available, maximum speed, limit of session time, session intervals and monthly data caps are determined by the NRA (mainly for the purpose of eliminating the detrimental effect of the service on commercial offers). Other terms and conditions of service are specified by local government authorities in accordance with the purpose of this free public service. They usually introduce extensive limitations as to how the service may be used, which include e.g. allowing the use of only specific protocols: http, https, pop3, pop3s, ftp; limiting the content end-users may access, often without specifics, e.g. by stating that "some content may not be available". It would be advisable for BEREC to relate to the status of municipal free broadband access service as being outside the scope of the Regulation on the grounds of its provision without any remuneration.

Article 3. Safeguarding of open internet access. Paragraphs 20-25.

Under Article 3(1) internet content should be accessible and distributable irrespective of the end-user's or provider's location or the location, origin or destination of the content. "Location" clearly relates specifically and exclusively to geographical coordinates. "Origin" and "destination" appear to be much broader terms, encompassing other characteristics than purely geographical ones, i.a. the legal status of the entity at either the origin or destination of the content. This differentiation, which is of great value for the guaranteeing of an open internet, has been lost in some language versions of the Regulation, i.a. the Polish one ("origin" has been replaced with *miejsce pochodzenia* - "place of origin", while "destination" has been replaced with *miejsce docelowe*, literally meaning "place of destination"; both terms have been reduced to a geographical frame of reference). BEREC should make it clear in the Guidelines that "origin" and "destination" mentioned in Article 3(1) are broader terms than "location", which only relates to geographical coordinates.

Article 4. Transparency measures for ensuring open internet access. Paragraphs 124-128.

The purpose of the Regulation is to "empower end-users" and "enable end-users to make informed choices" (Recital 18). The transparency measures related to the ISP's obligation to include in the contract and publish information pertaining to open internet access are of limited practical importance to an average end-user. Most end-users, especially consumers, do not read the contracts that they sign and even simplified legal texts are too complex to understand for most consumers. Therefore – in addition to guaranteeing transparency in the contract and in published information – ISPs should be required to provide end-users with a concise summary of the general properties of their IAS, presented in a visually attractive manner, which would encourage them to actually familiarise themselves with it. The summary should be provided to the end-user as 1) an attractive paper leaflet and 2) as a conspicuous infographic on the ISP's website, on the page where the ISP's various offers are presented. The summary should explain – at a bare minimum of detail which anybody could understand - the maximum, normally available and minimum speeds of the IAS (in the case of a fixed network; in the case of a mobile network, the estimated maximum speed should be specified, along with a map of LTE, 3G and 2G coverage; an explanation of data caps in relation to IAS in a mobile network would also be beneficial), examples of the functionality of popular applications at the various disclosed speeds (and data caps) and the influence of the limitations of the IAS on those applications. This encompasses the "high-level (general) information" mentioned in section 127 of the draft Guidelines. The template of the summary should be uniform for all ISPs, making it realistically possible for the end-user to compare offers. The uniformity should pertain to both the layout and graphic design of the summary. The requirement to provide end-users with an understandable summary of the IAS may be introduced by NRAs under Article 5(1).

Article 4(1) Paragraph 130 and 133, Article 10(2) Paragraph 186.

Paragraph 130 states that Articles 4(1), 4(2) and 4(3) apply to all contracts regardless of the date the contract is concluded or renewed. Paragraph 186 reaffirms that the provisions of the Regulation apply to all existing and new contracts with the exception of Article 4(4). There is no doubt that from 30 April 2016 provisions on end-users rights, characteristics of internet access services, traffic management measures, complaints procedures and many other are directly applicable to all internet access services. Paragraphs 130 and 186 of the Guidelines require however to apply provisions of 4(1) on the content of the contracts to all existing and renewed contracts. This would result in changes of millions of contracts introduced unilaterally by ISPs in order to bring the contracts in line with the requirements of Article 4(1). Such changes allow subscribers to withdraw from their contracts. According to Article 20(4) of the Directive 2002/21/EC subscribers shall have a right to withdraw from their contracts without penalty upon notice of proposed modifications in the contractual conditions. In the light of the Directive the subscriber's right to terminate the contract doesn't depend on whether

the change of contractual terms results from the initiative of the provider or is required by law. Internet access contracts are normally concluded on promotional conditions for a definite period that allow for a reduced price of terminal equipment or monthly fee. The present wording of Paras. 130 and 186 seems to be in some disagreement with Recital 30 of the Regulation. This Recital which is limited to roaming regulations determines that where providers of Union-wide regulated roaming services make changes to their roaming tariffs and to accompanying roaming usage policies in order to comply with the requirements of this Regulation, such changes should not trigger for mobile customers any right under national laws transposing the current regulatory framework for electronic communications networks and services to withdraw from their contracts. Both situations are alike – the service provider introduces changes in contractual conditions in order to comply with new legal requirements. Both changes are most likely beneficial to customers. As regards roaming contracts customers are deprived the right to terminate the contract. As far as contracts for internet access services are concerned the effect of BEREC Guidelines is that subscribers are free to terminate the contract without any penalty. Recital 30 shows that when the implementation of the Regulation requires intervention of the provider into the body of the binding contracts the Regulation confirms such a move. This is in accordance with rules concerning the drafting of legislation within the EU institutions that require provisions relating to the effects of the act on existing situations to be drawn up in precise terms^[2]. Moreover, the basic function of Article 4(1) which consist in enabling end-users to make informed choices is related to the pre-contractual phase of making decisions by end-users. Recital 7 declares that “end-users should be free to agree with providers of internet access services on tariffs for specific data volumes and speeds of the internet access service”. This kind of choices is not possible in the course of a unilateral change of contract by the service provider in order to comply with the Regulation. The provisions of Recital 17 and Article 4(1) letter (d) concerning the “advertised speed” perform sensible function solely within the pre-contractual negotiations. Neither the wording of the Regulation, nor the function of its provisions in Article 4(1) justify the mandatory change of contracts currently in force. Therefore, the Guidelines could at least indicate that if an ISP has to make changes in end-user contract currently in force in order to comply with the requirements of the Regulation, such changes should not trigger for the customer any right to withdraw from the contract. The problem is mitigated by Paragraph 133 stating that modifications to contracts are subject to national legislation implementing Article 20(2) of the Universal Service Directive. However the location of Paragraph 133 in section devoted to Article 4(1) letter (a) may suggest that its content regards solely modifications required in letter (a). Therefore Paragraph 133 should be moved to section of Guidelines devoted to Article 4 in general.

Article 4(1) Paragraph 131.

The wording of many provisions of the Regulation is vague and the Guidelines should not add to the problem. Article 4(1) letter (a) requires that contract specifies on how traffic management “measures” applied by that provider could impact on the quality of the service, privacy of end-users and the protection of their personal data. While Regulation deals with traffic management “measures” the Guidelines in Paras. 131 and 132 refers solely to traffic management “techniques” which may be misleading. Traffic management “techniques” are mentioned in Recitals 10 and 11, however in a context indicating that traffic management “techniques” differ from “measures”.

Article 4(4). Paragraph 158.

BEREC states in section 158 of the draft Guidelines that “[t]he Regulation does not require Member States or NRAs to establish or certify a monitoring mechanism”. It is our opinion that the enforcement of the Regulation would suffer if certified monitoring mechanisms were not established in all Member States. Furthermore, while a grammatical (textual) interpretation of Article 4(4) does not unambiguously oblige Member States to establish a certified monitoring mechanism, teleological interpretation supports such an obligation.

About CARS:

Centre for Antitrust and Regulatory Studies (CARS) was established on 21st February, 2007 as a

research group. As of 1st October, 2014 it was converted into an independent organizational unit of Faculty of Management, University of Warsaw. CARS Director is Prof. Dr. Tadeusz Skoczny.

CARS activity concentrates on widely understood issues of competition and consumer protection and pro-competitive and pro-consumer sector-specific regulations in market economy. In this respect CARS is conducting interdisciplinary scientific research and development (R+D) projects and preparing scientific reports, publishing books and periodicals, holding scientific conferences, patronizing post-graduate studies, running Open PhD Seminars, organising training courses and cooperating with similar research units in Poland and in foreign countries.

Annually „CARS Award” is also being offered.

[1] Polish: *Ustawa z 7.05.2010 o wspieraniu rozwoju usług i sieci telekomunikacyjnych (Dz. U. z 2015 r., poz. 880 ze zm.)*

[2] Recital 27 of the Regulation (EC) No 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC, Recital 49 of Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union.



From: [René Oostdijk](#)
To: [NN-Consultation](#)
Subject: Clarification on the status of schools and universities as "provider of electronic communications to the public"
Date: 08 June 2016 02:09:21

Dear Sir/Madam,

In Article 2, section 12 of the draft (page 5), restaurant hotspots and internal corporate networks are mentioned as examples of internet services that are not publicly available. In this respect, I'd like some clarification on the status of internet services provided by schools and universities. For teachers and other personnel working at educational institutions, it could be said their situation is comparable to those working for any other type of firm and making use of it's not-public internet service. From a students perspective however, they are most likely studying at a public school. An institute funded by the government and open to the public, as long as one has the right qualifications or diploma's.

The question therefore is simply: are (public) educational institutions to be considered PECP's and do the rules of net neutrality therefore apply to them? As a college librarian, I consider it of great importance that students and researcher have unrestricted access to internet resources. However, there are also those (within the ICT department) who value the safety and stability of the corporate network more and therefore block access to internet advertisements, referral links, websites containing links to malware and anyone who makes use of the bittorrent protocol. This is not hypothetical, but actually happening at where I work.

I don't know about the situation at other school and universities in Europe when it comes to (un)restricted internet access. However, I hope you'll agree it needs to be clear what's more important in education: network safety or net neutrality.

Greetings,

René Oostdijk

NB: Please keep my name and e-mail address confidential and don't publish these on your website.

From: [Bertrand ROY](#)
To: [NN-Consultation](#)
Subject: Comment about net neutrality
Date: 08 July 2016 00:44:33

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Roy

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

Envoyé par [BlueMail](#)

From: [S.W](#)
To: [NN-Consultation](#)
Subject: Comment for Public consultation on draft BEREC Guidelines on implementation of net neutrality rules
Date: 16 July 2016 17:05:24

Dear Sir / Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[ZR#1v2]

“Zero-rating” is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get “free” access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that “National regulatory and other competent authorities should be empowered to intervene” and “should be required, as part of their monitoring and enforcement function, to intervene” only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is therefore logical that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised

business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC’s mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the “consistent application of this Regulation” by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services (“services other than internet access services”) under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the “normal” Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user’s Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user’s Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before “end-users” in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based

traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISP's assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" in a way which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Kind regards,

Sunitha Webster

From: [Hendrik Buschmeier](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Comment in Net Neutrality Guidelines
Date: 16 July 2016 11:57:16

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

Please treat this comment confidentially and don't publish it.

Kind regards,

Hendrik Buschmeier

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Hendrik Buschmeier
Social Cognitive Systems Group, CITEC, Bielefeld University
<https://purl.org/net/hbuschme>

From: [Jack Castle](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Comment on BEREC Net Neutrality Guidelines
Date: 21 June 2016 12:51:22

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

Jack Castle

From: [Sascha A. Carlin](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Comment on BEREC net neutrality guidelines
Date: 15 July 2016 16:27:50

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

No.

My name/organisation:

Sascha A. Carlin

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

None. Such services need infrastructure of their own, at least on the least mile. In between, peerings need to be "big and wide" enough to allow for arbitrary data to pass in maximum volume any time. We cannot discriminate because we do not know what kind of service is essential today, let alone tomorrow or in ten years.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

None. Such services need infrastructure of their own, at least on the least mile. In between, peerings need to be "big and wide" enough to allow for arbitrary data to pass in maximum volume any time. We cannot discriminate because we do not know what kind of service is essential today, let alone tomorrow or in ten years.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

If my choice is hindered, made more costly or rendered impossible because of my ISPs future choice I cannot in good faith enter a contract today.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

IP was build to allow exactly this kind of routing - there is no need at all to add complexity and discriminate usage. We cannot discriminate because we do not know what kind of service is essential today, let alone tomorrow or in ten years.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

None. I buy access, not distinct services.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes. See above.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

IP is reasonable. We cannot discriminate usage because we cannot know which service is "reasonable" at any given time.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Bandwidth, peerings.

What information would you like to receive about the speed of your Internet connection?

Bandwidth, peerings.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Yes, in appropriate technical terms.

[NN#1v2]

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[SpS#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental

to the development of the free, open and innovative Internet ecosystem.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

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Sascha A. Carlin - Let's do this!

sc@itst.net | +49-177-3074952 | itst.net

From: [Mark A](#)
To: [NN-Consultation](#)
Subject: Comment on Draft Guidelines for Internet Regulation
Date: 10 June 2016 00:34:11

I write in response to the Body of European Regulators of Electronic Communications' call for public comment on it's Draft Guidelines to clarify and enforce the Net Neutrality Regulation of 27 October 2015.

First, I congratulate BEREC for respecting the fundamental aspects of net neutrality. The Guidelines make it clear that the worst violations of net neutrality are prohibited, such as arbitrarily blocking certain websites. That being said, the Guidelines also contain major loopholes on three main issues: zero-rating, traffic management and 'specialised services'.

"Zero-rating" is the shady practice of ISP's *charging me* for Internet service and then pushing/forcing me to use some sites by making them appear free, while charging me even more to access others. Zero-rating tilts the Internet towards monopolistic tech giants, away from innovation and independent voices.

The Internet isn't just web traffic. There's videochat, BitTorrent, games like Minecraft, online marketplaces, and privacy tools that encrypt our traffic like VPNs and TOR. Good Internet providers try to make *all* of these services work as best they can. But the new EU rules would let Internet providers be lazy—or evil—and throttle traffic they don't care about, or don't like, even when there's no need to. This form of arbitrary "Traffic Management" is discriminatory, monopolistic, and unfair.

Finally, there remains vague language that would let ISPs offer "specialized services" in a fastlane that would cannibalize bandwidth *that I paid for*, or that of other paid services. Please create and defend language to make sure that if an ISP offers a specialized service (like television), that bandwidth is in *addition* to whatever service people already have. Otherwise it's a fastlane and it's unfair to customers and unfair to me.

This is a moment of urgency and great importance. There is much to lose. The courage and hard work that would ensure strong net neutrality safeguards will be undone entirely if the Guidelines are watered down any further. Please do all you can to ensure that these three areas, as well as others that may arise in discussion, are regulated for the benefit of the consumer and the citizen.

Thank you,

Sincerely,

~Mark Appleby

From: [Jan Krebs](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: comment on draft net neutrality
Date: 29 June 2016 11:04:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name:
Jan-Wilhelm Krebs

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Friedrich Holzinger - gmx](mailto:Friedrich.Holzinger@gmx)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:NN-Consultation:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Comment on net neutrality guidelines
Date: 11 July 2016 17:43:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organization:

Friedrich Holzinger / student at Graz University of Technology / supporter of the savetheinternet.eu movement

What other "specialized" or "optimized" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

The Regulation defines other "optimized" services (specialized services) as electronic communication services that cannot be offered over the best effort Internet and which require optimization. E.g. e-health or connected car applications that require a stable and fast connection that cannot be assured over the Internet in order to function safely. However, they cannot replace Internet Access Services, but must be offered as an "extra" in addition to Internet access service. It is crucial that services that could be offered on the open, competitive internet are not re-categorized as "specialized services" for anti-competitive reasons.

Sample service similar to connected car applications (anti-competitive service in the sense that every car producer should be able to integrate it): AFAIK real-time applications as used in industry, for which the bandwidth was tailored to a distinct use until yet. This is communication among machines and their parts which interact concertedly for efficiency and safety reasons. Human interaction (which is not voluntarily obviously not real-time) can be provided using the internet.

Is there a demand for specialized services (i.e. services offered in addition to internet access that provide optimized connections to particular services like e-health or connected cars)?

There seems to be a theoretical demand, from part of providers, for specialized services that may be offered in the future. Commissioner Oettinger confirmed he cannot name any existing specialized service that would be damaged by net neutrality. Specialized services should must not include regular content and applications readily available - or capable of being made readily available - across the Internet. It is especially important that content and applications that are available over the Internet access service are not recategorised - as this would result in the exact opposite of net neutrality.

In contrast to the former paragraph, industrial sites grow due to efficiency reasons. For similar (and reliability) reasons real-time coordination may be necessary across several (production)

sites. The connecting network itself may impair the net neutrality at times of high traffic as it was designed prior for the communication of machines by engineers and in this scenario made publicly available by providing the physical network infrastructure (owned by a partner of or the producer itself) to the internet. Secure connections can be established as usual.

Noone can foresee the amount of traffic, but users could be informed by the ISP of the cause, i.e. man-made or machine-made, as soon as the bottleneck vanishes. Also, the circumstances that led machines to such high traffic could be provided, if analyzed by the maintainers of the machines via their (secured) data.

What could be the positive and negative impacts of specialized services on future innovation and openness of the Internet?

While the provision of specialized services is allowed under the Regulation, they cannot be offered as a replacement for Internet access services. In its 2012 guidelines, BEREC stated that price discrimination practices offering access to a limited part of the Internet would have a negative effect on consumers' rights. Any regulation of specialized services which would allow a discriminatory "fast lane" for services that could otherwise be provided on the open Internet must be avoided, in order to protect freedom of communication, competition and innovation.

In other words: Specialized services themselves are innovative. They should connect with and increase the quality and reliability of the internet rather than be restricted to a network of a certain group for the above reasons.

What is my understanding of the term "commercial practices"? Do I think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

Who rates the value of a service? The rating should be subject to the individual end user. The Regulation explicitly bans commercial practices that limit the exercise of individual user's rights online. Limitations, regardless whether rating, bandwidth or transfer rate, contradict the intention in protecting the open and unrestricted access to the Internet with a minimum of quality. Commercial practices in the Regulation should be understood as any restriction on the basic functionality of the Internet for commercial purposes and which is not necessary for the functioning of the network. Paid content services (subscription to music or video services) are different from zero-rated services, as access to the entire internet remains uncompromised at all times.

Do I think that commercial practices could limit my rights as an end user? Could I provide examples?

Any commercial practices which limit users' rights to free expression and freedom of communication are contrary to the object and purpose of the Regulation. The Regulation aims to safeguard open internet access; commercial practices therefore cannot restrict free choice by prioritizing a service or application over another. If a commercial practice creates disadvantageous conditions then it is not only a violation of user rights, but also of the core principles of economic competition.

Should the ISP be allowed to monitor the traffic of their users, including the content of the

traffic (e.g. through deep packet inspection) for the purpose of traffic management?

The Regulation prohibits specific traffic monitoring. Practices such as deep packet inspection (DPI) undermine your right to privacy and go against EU data protection and privacy rules. In fact, some experts argue that DPI is an invasive surveillance and censorship technology

How much should my ISP be able to interfere with my internet connection - for example to prioritize or de-prioritize certain types of online traffic (video, P2P, etc.)?

The EU Regulation requires Internet service providers to treat all traffic equally. There is however uncertainty about "special categories" of traffic. The Regulation says that the objective of reasonable traffic management is to contribute to an "efficient use of network resources and to an optimization of overall transmission quality", without the use of commercial criteria. If not properly clarified by regulators, providers could use this potential loophole to apply disguised commercial criteria to arbitrarily classify certain categories of traffic, in order to prioritize one category over another. This discrimination would undermine net neutrality, to the detriment of free speech, innovation and openness

Would my freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Reasonable Traffic management should not impede user choice. Quality and speed should remain consistent regardless of the type of content being accessed. ISPs cannot manage traffic in a way which would block, alter, slow or throttle access to any specific application, service or content. In short, discrimination should not be allowed

What would I consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect me as a user? Please, provide examples.

BEREC's 2012 guidelines said that any deviation beyond reasonable traffic management is equivalent as having "restricted access to the Internet".

The Regulation clearly states that traffic management must be reasonable and only last as long as necessary. If congestion is sudden and temporary, traffic management can take place, but it must remain application-agnostic. If congestion is recurring, the operator should enhance its network capacity and must not rely on this exception.

What information would I need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

BEREC should require ISPs to use a common terminology in order to foster transparency about how traffic on their networks is managed. My ISP should tell me concrete examples on how it manages traffic and provide information about how their traffic management practices are limited in time and scope and executed on a necessary and proportionate basis. Technical or legal jargon used in contracts must be avoided to ensure clarity. However, discriminatory behavior does not become less discriminatory simply because the provider is "transparent" about it in the consumer contract. Transparency is only one of the criteria needed to ensure that I

enjoy an undeterred access to the internet and I am not misled by my ISP.

What information would I like to receive about the speed of my Internet connection?

ISPs should tell me the average available speed of their connection with a specification of the maximum and minimum speed in a user-friendly way, for example via a diagram or image. This means that my Internet provider should not be allowed to display the maximum possible speed as being generally available, as this would be misleading about the actual speed that is normally available.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialized services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimization of specialized services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialized services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialized services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialized services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

specialized services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialized services

could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialized services in paragraphs 113 and 117 of the draft guidelines.

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[TM#1v2v2]

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subsequently rejected, be considered an antidote to anti-competitive behavior in itself.
Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Ben North](#)
To: [NN-Consultation](#)
Subject: Comment on Net Neutrality rules
Date: 30 June 2016 17:00:22

Dear Sir/Madam,

I would like to comment on your proposed guidelines document regarding net neutrality. I do so as a end-user with an interest in maintaining the competitive and innovative landscape of the internet.

The vast amount of unhindered innovation that the internet has enabled has been underpinned by its openness, and by a clean separation of two concerns: the transport of information; and the building of applications on top of that transport. Your Guidelines are, therefore, to be welcomed as they provide valuable clarification to the Regulations, in ensuring that these two concerns remain distinct.

Paras 37--40:

I would urge you, though, to strengthen the guidelines on 'zero-rating' of traffic. The net effect of such zero-rating is to tip the balance in favour of large established players, hindering innovation and competition. A straightforward, equitable, and transparent approach would be to prohibit outright such zero-rating arrangements.

Thank you in advance for taking these comments into consideration.

Yours faithfully,

Ben North.

From: [Lars Bilharz](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Comment regarding BEREC
Date: 08 July 2016 23:21:43

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

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Kind regards,
A concerned citizen
Bilharz

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Tel: + 49 170 43 610 17

Mail: info@lars-bilharz.de

Boppstraße 3, 10967 Berlin, Germany

From: [Andreas Schreiber](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Comment regarding the BEREC net neutrality guidelines
Date: 11 July 2016 16:12:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Andreas Schreiber

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”.

BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Daniel Karlsson](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: comment regarding the BEREC net neutrality guidelines creation
Date: 06 July 2016 20:52:46

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Daniel Karlsson

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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[TM#1v2v2]

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the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Niels Schotten](#)
To: [NN-Consultation](#)
Subject: Comment regarding the BEREC net neutrality guidelines creation.
Date: 10 June 2016 13:34:31

Dear Sir / Madam,

Is there a demand for specialised services? Which services should be allowed this special treatment?

A point could be made for SS for VOIP. It is just that such an SS should not discriminate or dictate the type of program the client needs to use. But even without clients opting to pay a premium for such a service, the other clients should not be getting a hampered VOIP service. So NO. No SS. the ISP's should do their jobs and provide quality service.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Specialized services, as explained here, sound lovely and all. BUT there is a danger. It could be that ISP's will use it to sell highspeed/high capacity data bundles at a premium and selling slow, data limited bundles at a low (but still pricey) price point. This would create a rift between the poorer and the richer folks in the way they can use the internet. I think i'm against.

Is there a demand for "commercial practices" such as zero-rating? Could these limit your rights as an end-user? Please provide examples.

I am, provisionally, fine with zero rating. The provision being that all similar services are provided zero rating at no cost to them or the client. So to provide netflix with zero rating so should youtube, spotify, hbo and also minor players & start ups that also provide streaming audio/video. Or to zero rate the ISP's cloud storage they should zero rate all cloud services like dropbox, google drive, strato Hi Drive etc. It's all or none, at NO cost to the service provider and the consumer.

How much should your ISP be able to interfere with your Internet connection - for example to throttling or prioritise certain types of online traffic (video, P2P, etc)?

Only when a user has a mix of data types and it is reaching the maximum transfer rate should they start to manage speeds, prioritizing packets like voip / streaming audio/video / realtime online gaming over mail, downloads, uploads etc. For the rest of the time they should do their best to provide top speeds for what their user is using his/hers connection for.

What information would you like to receive about your Internet connection, such as its speed, quality of service or how your traffic is managed?

I suppose a page within your client info area at your ISP's site that provides a data log on what services you used and if and how they managed the speeds to provide you with optimal performance. And if, perceived, speed issues came from lacking data through put from/to a service provider (i.e. was Youtube unable to keep up with all the viewers?)

Should the ISP be allowed to monitor your traffic, including its content (e.g. through deep packet inspection) for the purpose of traffic management?

ISP's should, at most, be able to detect what type of service a packet is for and prioritize realtime packets (i.e. voip and online gaming data) over non time critical data like webpages, email, downloads etc.

The Regulation allows specialised services only under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be

objectively necessary for the functionality of key features of the service. This cannot be the case with services that can also function on the open, best effort Internet. Furthermore, Recital 16 prevents specialised services from being used as circumvention of the general net neutrality traffic management rules. Any deviation from these safeguards to widen the applicability of the concept of specialised services would inevitably result in increased market entry barriers and thus weaken the innovative potential of the Internet as a whole.

When ISPs are allowed to charge for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, to encourage their customers to increasingly use specialised services. This effect will be detrimental for minorities, disadvantaged people and startups that cannot afford special access to all networks in which they may want to reach customers, and the development of the free, open and innovative Internet ecosystem.

Economic discrimination (zero rating) interferes with my right under Article 3(1) to access and, in particular, to distribute information freely. When an ISP discriminates between providers of content, applications and services via an Internet access service by making them unequally accessible, this constitutes an arbitrary interference in the essence of my right. Furthermore, this practice restricts my rights under the Charter of Fundamental Rights (Articles 11, 15(2), and 16). Therefore, economic discrimination must not be allowed under the BEREC guidelines.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

The diversity and innovative capacity of the Internet ecosystem is built upon the low cost of innovation and low barriers to market entry. These principles ensure that from day one, every enterprise, startup or non-commercial service – no matter how small or well funded – has the potential to reach a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy is only ensured by an open, neutral and non-discriminatory Internet. When ISPs are allowed to interfere with the decisions of their customers by economic or technical discrimination, this essential freedom is lost. According to Recital 1 of the Regulation on net neutrality, the legislation has to be interpreted in light of these goals.

Kind regards,
Niels Schotten

From: [Arno Jordan](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: comment regarding the BEREC net neutrality guidelines creation
Date: 23 June 2016 23:55:50

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? i think zero rating is unnecessary and contra-productive.

My name/organisation:
Ar no Jordan

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
no

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
i think there should not be any prioritizing except perhaps for voip emergency calls

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
ISP’s should not be given a reason to avoid necessary extensions of bandwidth

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
reasonable would be a temporary traffic management in case of a failure. It should never become permanent.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?
Information should be as transparent as possible.

What information would you like to receive about the speed of your Internet connection?
guaranteed average hourly throughput

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
It would be a great option to have an independent measurement page where participating end users would send anonymized data that would be displayed to evaluate service parameters of all ISP’s on the market

[NN#1v2]

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business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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Kind regards,
A concerned citizen

From: Sinned@gmx.ch
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Comment regarding the BEREC net neutrality guidelines
Date: 18 June 2016 18:07:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
D. Wepunkt

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation

guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: iouri.arnaud
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: comment regarding the BEREC net neutrality guidelines creation
Date: 16 June 2016 13:08:47

iouri arnaud

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Kind regards,
A concerned citizen
iouri arnaud
i.ouri@me.com

From: [Helmut Fuhrmann](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: comment regarding the BEREC net neutrality guidelines
Date: 15 July 2016 18:48:15

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Helmut Fuhrmann

[NN#1v2]

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Kind regards,
A concerned citizen

From: [Hendrik Fritsch](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Comment regarding the BEREC net neutrality guidelines creation
Date: 14 July 2016 21:36:06
Attachments: [signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

I do not think, that there is any demand for such commercial practices.

My name/organisation:

Hendrik Fritsch

AG Studentennetz der TU Bergakademie Freiberg

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

There are no. The speed up things, ISPs should simply speed up the 'normal' Internet, particularly in rural areas.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

No.

And connected cars should not and I hope they will not be connected to the internet, because there are too many security vulnerabilities.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

I do not know any positive impacts from specialised services.

But there are many negative impacts. It will definitely hamper development.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

When I would develop a new video platform, but the ISPs would only speed up e.g. YouTube, then they are discriminating me, because I might not have that much money.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No, they would cut their privacy and the users should be free to choose, which programs/software they use.

And Deep Packet Inspection would require much more powerful servers for the ISP, which would harm the environment.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

They should not set priorities at all!

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes, because I might use a very new software my ISP does not know. They should not discriminate traffic.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Traffic Management and Commercial Practices (like Zero-Rating)

I don't understand what you mean with technical conditions.

I would prefer a provider that respects net neutrality.

What information would you like to receive about the speed of your Internet connection?

I do not understand the question.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

These parameters can not be guaranteed by a provider for technical reasons.

Latency depends on the distance from customer to service provider.

Jitter and packet loss depend on the current workload on the network.

[NN#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee

(i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic

management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: a.baldinger
To: allow-submission-to-berec@consultation.savetheinternet.eu; [NN-Consultation](#)
Subject: Comment regarding the BEREC net neutrality guidelines creation
Date: 14 July 2016 20:59:55

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Andreas Baldinger

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Kind regards,

A concerned citizen

From: [baronblus_](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: comment regarding the BEREC net neutrality guidelines creation into consideration.
Date: 21 June 2016 19:47:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Flavio Barone

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees. Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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[TM#1v2v2]

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Kind regards,
A concerned citizen

From: [Paul-Émile Morruzzi](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Comment regarding the BEREC net neutrality guidelines creation
Date: 04 July 2016 10:42:45

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
Paul-Émile Morruzzi

--

Envoyé de mon appareil Android avec K-9 Mail. Veuillez excuser ma brièveté.

From: [mailinglists](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: comment regarding the BEREC net neutrality guidelines
Date: 15 July 2016 17:06:46

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Hajo Kirchhoff
Kirchhoff IT-Consulting

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental

to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described

in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
Hajo Kirchhoff

From: [DoS007](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Comment regarding the BEREC net neutrality guidelines creation
Date: 19 June 2016 12:45:33

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jens Rüterbories

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation

guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Udo-Peter Schad](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: comment regarding the BEREC net neutrality guidelines
Date: 15 July 2016 10:55:53

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Kind regards,
Udo-Peter Schad

From: [Malte Schuetze](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Comment regarding the BEREC net neutrality guidelines creation
Date: 15 June 2016 23:53:31
Attachments: [signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name:
Malte Schütze

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They

cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is

logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
Malte Schütze

From: [Bernd Müller](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: comment regarding the BEREC net neutrality guidelines
Date: 20 June 2016 16:34:45

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Internet is a chance to whole mankind. It might be the most important invention/technologie for our species. It provide knowledge and enables communication regardless language, culture or location. It has to be ensured that power hungry people do not get control to such a important thing. Whatever must be done should be done on the right and pure intention, with development of all of us in mind. It is not public interest to restrict the internet.

My name/organisation:
Bernd Müller

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet? Internet is a chance to whole mankind. It might be the most important invention/technologie for our species. It provide knowledge and enables communication regardless language, culture or location. It has to be ensured that power hungry people do not get control to such a important thing. Whatever must be done should be done on the right and pure intention, with development of all of us in mind. Who has a benefit, just one or does it serves to mankind.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Internet is a chance to whole mankind. It might be the most important invention/technologie for our species. It provide knowledge and enables communication regardless language, culture or location. It has to be ensured that power hungry people do not get control to such a important thing. Whatever must be done should be done on the right and pure intention, with development of all of us in mind. The original intention of internet (that is scintific exchange) should be saved.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Internet is a chance to whole mankind. It might be the most important invention/technologie for our species. It provide knowledge and enables communication regardless language, culture or location. It has to be ensured that power hungry people do not get control to such a important thing. Whatever must be done should be done on the right and pure intention, with development of all of us in mind. Any activity with monetary interest should be seperate of the main internet service. People are Internet.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

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Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

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How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? not at all

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
yes

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
can't comment

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?
of course any information.

What information would you like to receive about the speed of your Internet connection? the possibilities should be explained in a way i can understand.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
They should describe it clearly and in a comparable way to other isp.

[NN#1v2]

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balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Kind regards,
A concerned citizen

From: [Nils Ellmenreich](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: comment regarding the BEREC net neutrality guidelines
Date: 16 June 2016 23:01:08

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
N.Ellmenreich

[NN#1v2]

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[SpS#1v2]

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[SpS#2v2]

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[TM#1v2v2]

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Kind regards,
A concerned citizen

From: [Dwain Wiley](#)
To: [NN-Consultation](#)
Cc: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Comment regarding the BEREC net neutrality guidelines
Date: 15 July 2016 23:13:14

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name is Dwain Wiley

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

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guarantees.

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Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

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Sincerely,
Dwain Wiley

From: [Tspspi](#)
To: [NN-Consultation](#)
Cc: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Comment regarding the BEREC net neutrality guidelines
Date: 15 July 2016 18:21:48

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration. This mail has been created via the help of the <https://consultation.savetheinternet.eu/en/> form.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

There is simply no need for such "commercial practices" for end users whenever it comes to IP traffic. These practices heavily influence the choice of information and data sources of users and shape the useable/visible offers for endusers.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

There may be real time voice communication services (telephony) or for example video broadcast / multicast services - the latter one cannot be offered over the internet (broadcast traffic can't be routed outside one's own net) but should be treated like every other IP traffic inside the provider's network

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Connected cars do and should never require specialized internet connections or prioritisation. If they use these connections for map updates these are non-critical because the system may respond to environmental change autonomously so they are able to use the same best effort routing as everybody else. Traffic information, etc. is also non critical (and should be threatened as such), exceptional situations like collision avoidance should be solved via local wireless technology and not IP networks anyways.

E-Health applications that have these demands do not use IP networks but own ATM channels or black fibre that's dedicated for this use.

Applications that use IP networks are already designed to deal with packet loss, jitter, etc.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Specialised services will lead to big providers who support products of partner companies and influence the way people get information (and by this way also which information they get). Critical non-mainstream media will get less reachable and less visible.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

For example they could force one to use a particular source for video based news (which may be shaped by commercial or government interest), they may force one to use a particular voice or messaging service because others are unavailable due to their traffic

requirements not exempted from rating or being shaped to an unusable speed.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No. The only information required for the ISP is the IP Header's Destination Address and TTL field. They should only do IP routing and nothing else. Monitoring can happen at used internal and border routers (which may signal which peerings should be extended, which are not needed or which network segments should be extended in near future).

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

In no way. To do so they would have to detect which kind of traffic is used over the connection (for example they should in no way be able to differ between P2P and non P2P traffic because in essence EVERY traffic on IP network is simple P2P traffic between two connected P2P Nodes)

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes. The provider is not able to judge which datastreams or packets are time sensitive in any way. They may be able to identify some content by originating from partner networks but they are in no way able to identify time critical data streams from all data sources.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Reasonable traffic management may be to use static routes, other route weights, etc. to influence packet paths inside the own routing framework. This may be used to mitigate overload of routers that take a central position inside ones network despite being on the shortest path (by network metric).

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

I'd require information about their routing methods, if they are doing any of the non-technically required traffic management, which peerings they have, how huge the average and maximum load on these peering points and on their internal routing infrastructure is, if they are doing censorship, etc.

What information would you like to receive about the speed of your Internet connection?

The most important information would be maximum speed and latency of the last mile to the IP routing infrastructure, information about their router infrastructure & information about peerings at border routers as well as maximum and average load on these (for ex. an ISP which has > 70% average load on some of the border routers will be unusable).

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Yes they should be defined. For the last mile it should be noted if the technology has inherent packet loss (like wireless connections) or not (wired connections) and about latency, packet loss and jitter they should publish information about average and maximum network load and load on border routers as well as peering information (like seen from BGP tables)

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[ZR#1v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Guido Lenz](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: comment regarding the BEREC net neutrality guidelines creation
Date: 15 June 2016 10:19:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name:
Guido Lenz

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
If ISPs were to monitor traffic (deep packet inspection), this would threaten data protection and privacy, as no proper end-to-end encryption could be used.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

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According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Kind regards,
Guido Lenz

From: [Tessel Bogaard](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Comment regarding the BEREC net neutrality guidelines creation
Date: 15 July 2016 17:37:42

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name:
Tessel Bogaard

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: yves.barlette@libertysurf.fr
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: comment regarding the BEREC net neutrality guidelines creation
Date: 15 July 2016 17:48:04

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Yves BARLETTE

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Jan Timm](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: comment regarding the BEREC net neutrality guidelines creation
Date: 15 July 2016 09:03:27

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jan Timm

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Von meinem iPhone gesendet

From: [Stefan Hoppe](#)
To: [NN-Consultation](#)
Subject: comment regarding the BEREC net neutrality guidelines creation
Date: 12 July 2016 00:25:56

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Stefan Hoppe

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Kind regards,
A concerned citizen

From: [Faser2000](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: comment regarding the BEREC net neutrality guidelines creation into consideration.
Date: 18 June 2016 08:24:47

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
fabio

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the

complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Bettina Klaczinski](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: comment regarding the BEREC net neutrality guidelines
Date: 10 July 2016 18:04:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Bettina Klaczinski

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself.

Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Lukas Nöllemeyer](#)
To: [NN-Consultation](#)
Subject: Comment regarding the BEREC net neutrality guidelines
Date: 03 July 2016 08:52:05
Attachments: [signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Lukas Nöllemeyer

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees. Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access

service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case

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Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Julien Marti](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Comment regarding the BEREC net neutrality
Date: 14 July 2016 01:08:14

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name :
Marti Julien

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services

by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Anton Akhmerov](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: comment regarding the BEREC
Date: 15 July 2016 13:47:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Anton Akhmerov

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

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therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups.

Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions.

The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
Anton Akhmerov

From: hoshizora@bokura.ga
Subject: Comment regarding your plans on net neutrality guidelines
Date: 16 June 2016 22:01:04

Dear Sir or Madam,

Please take our comment regarding the BEREC net neutrality guidelines creation into consideration.

We have been asked to take response to several questions about the conditions for net neutrality that should be maintained in the new regulatory guidelines.

If there is any way, we could further support you in the process of decision making regarding your current regulation, please let us know.

My name and organisation:
Hoshizora (Chief Communication Officer Europe)
- bokura.ga - online music competition

Below are our statements on the points we were asked to answer.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

There is no such thing as a free lunch!

Whenever someone is put into a better position, someone else is discriminated against.

Based on the guideline, that the internet should not suffer under the use of specially treated services, there is no other way than treating all traffic equal.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet? Distributed Industry 4.0 production lines could require an out-of-band service, when producing large quantities of diverse but quick to produce objects, to prevent double productions or lost production time, through waiting for their next task. But this is only limited to a few special application and could merely benefit short range connection, in order to save the money to invest in proprietary cabling. All long range applications would not lead to any significant benefit and could also be accomplished by relying on state-of-the-art internet technologies and current standards.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

The demand for non-user defined specialised services will be rather small. The fact that these services will be likely to be either more expensive or reduce the overall quality of access, will lead to users not accepting those kind of services.

It adds to the fact, that an end-user is required to demand a prioritisation level for all of the traffic sent by most internet-capable protocols, including the IP, which to this day completely dominates the public Internet.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

The main advantage of specialised services is that if they required to perform under conditions that the Internet can not provide, they could be integrated into that architecture. As the demand for access to these services increases, the overall available resources could increase.

But this is not guaranteed!

Specialised services also carry the risk of leading the access providers to reduce the focus of their business to only those services, leaving the Internet as a backup connection behind. This would not only infringe the right of participation in the Internet, but also put restrictions on the way that services are operated. For example any anonymous connection, even to the mentioned services, would suffer under such policies, as they can not be identified and thus have to use the "back-up" internet connection. This situation forces user to give up on either confidentiality of their data or their bought benefit.

Moreover the development of the new services would be limited, as creators would be forced to obey the

commands of most access providers, in order to be allowed to offer user their specialized services, which would make the Internet intransparent and limited in its ways of possible future applications.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples? Freedom of communication means that I can talk to whoever I want, whenever I want and however I want. If there is a foreign policy introduced into the media, that I use to exercise my right to freedom of expression, the image of being able to decide about how I am going to do this is distorted. Because now a company decides about the condition under which I perform these rights, possibly acting against my will.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Should sealed envelopes be prohibited to be used over a postal service?

As data is the most precious and intimate resource any individual possesses, opening our data is the first step controlling us. More sooner than later you will have noticed that you opened Pandora's Box.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

The Internet would not exist without trust;
trust in goodwill and trust in respect.

Trust in the responsibility of developers to provide a good common media.

Thus all of the commodities for access have been arranged without any need and justification for any party to interfere.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Whenever anyone makes a decision that overthrows mine, this is not acceptable. If I can not decide on the conditions that I want to use any service, I would be forced to take into account the artificially created benefit of something, that I actually do not want.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Not if the end-user's preference would be respected, that has to be taken for granted and is also an requirement with the modern Internet Protocol standard Version 6.

But no step further!

This has to be achieved without discriminating against traffic when prioritization is not required. And whenever the decision is not based on an immediate request of the source of a traffic, but instead by criteria, that have been established by a third party, this is not likely to benefit at all.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Anything that has influence on the service that is provided to me should be made public, this does not only include technical parameter, like how many bandwidth is available and with whom I have to share it, but also any policies that are enforced to my usage of the service and under which conditions they are enforced.

What information would you like to receive about the speed of your Internet connection?

Sharing bandwidth on a link is something that becomes necessary quite often. In fact the speed of end-user connections varies sharply on factors as, for example the daytime.

Nevertheless, this is almost never properly represented to potential users.

To give a brief overview, an Internet Service Provider should be required to present the user with the technologically possible minimum and maximum bandwidth, as well as with peak and average peak values, the time and the duration of when they appear, as well as an overall average for the connection speed. This data should be specific to the link the user will be using in order to access the Internet.

Although this would clearly benefit customers, it also raises privacy issues. To solve this, the user should not be forced to let the Internet Service Provider collect data about them.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

There are of course different requirements based on how the Internet is used.

But the Internet is not intended to be discriminated based on who is accessing it. It does not make any difference between someone who expects to be an end-user and who offer services.

For this reason, all the data available to the performance of a connection has to be made available to the customer before signing a contract with the Internet Service Provider. The potential customer can decide by himself, whether he is interested in the data and decide respectively or just ignore it, if he does not plan to implement applications that ask for certain levels of service into their network.

As Peer-2-Peer services see an increasing use throughout the internet, this does not only become important to the single user, but to the internet as a whole.

In addition to fostering competition, being honest is an important part of consent, which is what contracts rely upon. And giving credit to the ever rising number of conscious Internet users we can no longer compromise on this.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating

altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.^{^H}

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Thank you very much for your time.

Kind regards,

Hoshizora

From: [Mitja Zdouc](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Comment to BEREC net neutrality guidelines
Date: 08 July 2016 21:41:09

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Mitja Zdouc

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every

competitor of the services or applications that are being zero-rated.
(see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Christian Schröder](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Comment to consultation about net neutrality reform
Date: 21 June 2016 11:07:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

It results in a money based quality control of internet access. This contradicts the idea of a neutrality of the internet access without discrimination based on wealth. Internet access should be regulated like public infrastructure, ideally it should be public infrastructure to remove any incentives of discriminating access or quality based on commercial capabilities of its users or providers.

ISP sit in the middle of the communication and, if allowed, will try to collect money from both sides of the communication with the net result of higher cost and reduced general access for everyone. Internet access should be regulated like public infrastructure and part of the commons. Ideally it would be public infrastructure without commercial interests interfering with free access.

My name/organisation:
Christian Schröder

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Internet access providers could give/provide telemetric infrastructure for public goods usage to allow a better demand orientation and correction of public policy.

The unique position in data gathering capabilities needs to be controlled and regulated but allows much deeper insights into the whereabouts of the general society.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
yes,

Public Emergency Communications infrastructure: The need for robustness and operational guarantees is higher and requires some preferential treatment.

Interactive Medical Services (remote surgery): This technology will lead to high dependency between a working communications infrastructure with guaranteed latencies and bandwidth requirements and a human life. This is unique as typical internet usage has human life and internet service providing highly decoupled.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
If specialised services are based on commercial interest market demands

will force a tendency to "create" specialised services on the cost of general internet access due to the ability of higher revenues. This will become a race to the bottom for general internet access quality. This will put a strong brake on innovative services which by definition are too new for ISPs to offer in a specialised packaged version. The result will be a reduction of innovation in service types we see on the internet.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

I'm wary of commercial reasoning to control public goods like communications infrastructure. History shows that it results in bad baseline service quality and higher costs for everyone.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Yes, as long as the user can easily opt-out without getting degraded baseline service. The purpose must be strongly driven by the type of usage not the publisher or subscriber of a service. It is not allowed to discriminate on anything else except the technical nature of the communication in progress.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

ISPs have to be mandated to publicly report all traffic management they do. This allows to check if the reason was a technical reason or not. This should effectively prevent arbitrary service quality reductions to base higher cost service offerings.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Temporary reductions of throughput or increase of latency for general traffic in favor of realtime interactive content is acceptable to handle burst situations. The amount of traffic which is managed must be regulated. If an ISP's infrastructure is incapable of providing its services without management most of the time he cannot put his incapability to invest in his infrastructure on his users by reducing service quality. This could be enforced in the market by having publicly accessible insights into the amount of management applied. Together with independent random control probes to check if ISPs follow the rules.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

It would be helpful if there would be a standardized set of rules/features which all ISPs have to add to their offer in a checklist fashion. This improves comparability of service offerings. To compare service offerings it should not be needed to read multiple pages of legal terms of services; most people in the EU are not lawyers.

What information would you like to receive about the speed of your Internet connection?

historic data of min/max/histograms for latency, bandwidth, If traffic management is applied (even temporarily) the data needs to be separated per discriminated type of traffic.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these

parameters be defined in the contract? If so, how?

They should be publicly reported with access to historic data. The measurement points should reflect the main geographic regions of activity. The data needs to be comparable to independent measurements and the data of other vendors. Regulatory bodies should make available infrastructure to access, compare, monitor and confirm these service quality parameters.

The service parameters should not be part of the contracts except as part of an SLA.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of

specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation".

BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
Christian Schröder

From: [Robert Herzog](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Comment to net neutrality
Date: 03 July 2016 01:39:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name is Robert Herzog.

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Ana Aguiar](#)
To: [NN-Consultation](#)
Subject: Comments on BEREC Guidelines
Date: 16 July 2016 17:37:09

Dear Sirs/Madams,

I was positively surprised in general by the quality of the guidelines in respect to what has been publicly discussed in the media. In this sense, I believe it would be advisable that the EU invests some more on information campaigns among the population to explain how they attempt to guarantee end user rights.

Nevertheless, I attach a few comments.

Article 3 (2)

The widespread use of “is/are likely to” in article 3(2) is likely to create a large variance of interpretation at national level. This may hinder innovation by increasing the complexity of spreading applications and services across inner European borders, thus limiting the advantages of a digital common market. This would limit the ability of small companies, especially from smaller countries, to compete with large markets, inside or outside the EU.

Article 3(5)

108. As a consequence of the mentioned evolution of Internet and services with time, it would make sense to limit the qualification as a specialised service should be limited in time, with the option of extension upon re-evaluation after a period, e.g. of 5 years. Otherwise, there is no mechanism to re-qualify a service as IAS after it has once qualified as a specialised service.

According to the formulation, it is likely that big VoD providers and corporate businesses will find their way to qualify as special services, either technically or via lobbying. It is also likely that the requirement that IAS will not be degraded by the specialised services based on network measurements can be manipulated by ISPs with limited effort. Thus, this regulation does indeed open the door to a degradation of the end user’s access to IAS, despite all further provision for regulatory measurement and supervision.

In this sense, it would make sense to convert the “could”s in points 115 and 116.

Article 5(1)

Again, this article leaves great freedom to NRAs, which can cause large disparity within the EU market, potentially adding complexity to scaling innovative services. I suggest converting could to should in 172, 173, 174, 176.

Best regards,

+++++

Ana Aguiar
Assistant Professor
Faculty of Engineering/ University of Porto
Electrical and Computer Science Department

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+351 220 412 243
paginas.fe.up.pt/~anaa

From: [mcr42](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Comments on net neutrality
Date: 09 July 2016 02:14:54

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

Certainly there is demand for commercial practices for a provider. It's a tool to promote it's own services in favor of concurrent ones. There always is demand to get rid of unwanted competition. It reliefs from the need for improvements by hindering innovative competitors to enter the market.

My name/organisation:

M. Rost

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

No. E-Health or connected cars are important services that should NOT be transmitted across incesure and unreliable services like Internet or GSM. As these days states tend to turn off these networks in case af a crisis, lives would be AT RISK!

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

To become a specialized service, a service needs to have a certain markot share and impact. Innovative services already have a hard time getting enough attention to reach a user base bug enough to be able to survive. By promoting specialized services, all other are discriminated, giving innovation an even harder time to grow to survive.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Given my access provider owns a VoD portal, and grants me access via zero rating, would I pay him for a traffic upgrade just to watch netflix?

They could even turn up prices, as their service is guaranteed a higher priority without me even being able to tell why.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No.

It's a breach of privacy.

They can and should manage traffic regardless of what the content is.

If an ISP is allowed to look into the content (even if they make no use of it), they run the risk of being held accountable of what they transfer.

It's like the post being asked to scan for blackmail.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Not at all. They should be obliged to deliver a line with a certain level of quality. If they can't provide a certain level of service, they must not advertise it and must not charge for it. Then the laws of market will work as expected.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

yes. why should an ISP decide which traffic is important to me? How should they know? They can only make an educated guess, which won't necessarily meet my needs.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

German Telekom is known to deliver stuttering Youtube streams. They claim it's due to insufficient bandwidth, but bandwidth is limited because their peering policy discriminates against everyone smaller than them.

What information would you like to receive about the speed of your Internet connection?

guaranteed minimum (or average) speed, and a penalty for deviation at scale. Currently only peak speed is advertised, which means nothing. Additionally, even completely unrealistic promises have no negative impact whatsoever. Under the current situation, comparability is impossible.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

They should denote the minimum or average guaranteed speed. Deviations at scale (like, 10%) should qualify for a discount. A clearing office would be nice, so disputes can be solved nonbiased.

[NN#1v2]

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Kind regards,
M. Rost,
A concerned citizen

From: [Milan](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Comments regarding the BEREC net neutrality guidelines creation.
Date: 09 July 2016 06:21:02

Dear Sir or Madam,

Please consider the following Stakeholder comments regarding the BEREC net neutrality guidelines creation.

Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

Zero-rating is a massive competitive distortion. Take a music streaming service like Google Play as an example: if big ISPs agree on a zero-rating for that, the competing products from Spotify or Amazon would lose a lot of users and artists / labels would be pressured to cooperate.

As an end-user I want to have a fair choice between competing products. I want to be able to switch to a competing product in the future and the only way this is possible is by having competition. A zero-rating has a high risk of preventing and/or ending all competition for a zero-rated product.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

There is no reason to use special services for existing applications and classifying them as such would increase their performance but not the reliability or safety. No critical application should completely rely on connectivity and no application that doesn't need a special status.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Allowing this would likely lead to a situation where all major digital services or products have a single, zero-rated provider for a given SIP. This would motivate SIPs to have high costs for free internet usage outside their cooperation partners, punishing me for choosing products or services myself.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Inspecting user data would decrease the freedom of users to express themselves due to an omnipresent layer of online surveillance. In addition to that, deep packet inspection would only recognize services it was trained for and optimizing for example Google Hangouts, but not Skype would be a substantial competitive distortion. In reality it would be much likelier that all major VIP providers would be optimized, making it a lot harder for smaller or new companies or technologies to compete.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

The ISP should simply give me the capacity I pay for. Prioritising services is alone my (the end-users) obligation and often pre-configured in modern end-user modems and routers. There is no benefit for end-users when the ISP is prioritising certain types of online traffic.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Again this problem can be easily solved in end-user devices and taking the

freedom to use custom configurations from users is at least unnecessary. From the ISPs perspective quality and speed should remain consistent regardless of the type of content being accessed. ISPs should not manage traffic in a way which would block, alter, slow or throttle access to any specific application, service or content. In short, discrimination should not be allowed.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

BEREC should require ISPs to use a common terminology in order to foster transparency about how traffic on their networks is managed. Your ISP should tell you concrete examples on how it manages traffic and provide information about how their traffic management practices are limited in time and scope and executed on a necessary and proportionate basis. Technical or legal jargon used in contracts must be avoided to ensure clarity. However, discriminatory behaviour does not become less discriminatory simply because the provider is "transparent" about it in the consumer contract. Transparency is only one of the criteria needed to ensure that you enjoy an undeterred access to the internet and you are not misled by your ISP.

What information would you like to receive about the speed of your Internet connection?

ISPs should tell the average available speed of their connection with a specification of the maximum and minimum speed in a user-friendly way, for example via a diagram or image. This means that Internet providers should not be allowed to display the maximum possible speed as being generally available, as this would be misleading about the actual speed that is normally available.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator

decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful

effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
Milan Oberkirch

From: [Alexander Alekseychuk](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Comments to net neutrality
Date: 03 July 2016 01:20:19

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dr. Alexander Alekseychuk

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
Services important for public and personal safety and security, health included.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
May be, cannot justify.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
I think that commercial practices can influence information and service offer in the Internet.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
No, this should be not allowed. ISP shall not decide which kind of traffic to prioritise.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Should not do that at all.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes, it would be limited

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
Latency and packet loss rate have to be specified and defined by their minimal/maximal values (depending on the parameter), which have to be statistically guaranteed (e.g. in 97,7% of time).

[NN#1v2]

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with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Steven Mathews](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Concern on the BEREC net neutrality guidelines
Date: 07 July 2016 20:01:24

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Kind regards,
Steven Mathews

From: [Giorgio Boccia](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Concerned about the neutrality and the transparency of the Internet
Date: 30 June 2016 13:09:03

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Giorgio Boccia

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Jasper Orschulko](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Concerned about upcoming net neutrality guidelines
Date: 11 July 2016 20:52:14
Attachments: [signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery

of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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Kind regards,
Jasper Orschulko

From: [Francesc Brugarolas](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Concerned citizen regarding net neutrality ISP threads
Date: 17 June 2016 17:01:14

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

No

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

None.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

No

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Diminish competence, prevent start-ups to grow, create monopolies, increase inequality, limit information access, increase ISP inefficiency, increase price to acces the internet, more government control over the citizens.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes. By constraining the access to information, by increasing price to acces the internet, by prioritizing between certain user operations. It will also create mayhem of offers/services not clear to end users requiring further regulations. To sum up: increase of inequality, increase of access' costs, preventing access to inforation. The worst: by "commercial practices" some governments could prevent certain citizens accessing the internet.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Not at all. Internet is still flourishing, ISP shouldn't coinstraint tomorrow's possibilities by restricting today's services and access.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Totally. In the practice who is going to control the "reasonable" criteria to manage traffic? It will be too easy for ISP to find ways to vulnerate net neutrality.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples. None are reasonable to me.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions? Absolutely all of them. If my ISP is going to limit my speed depending on commercial practices (by content, schedule, amount of traffic, etc) I should know. Otherwise it will be a swindle.

What information would you like to receive about the speed of your Internet connection? The most accurate one, including: internet speed (real, not commercial wish-list), commercial constraints, ISP policies on net neutrality, ISP policies on traffic management.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how? It will be complicated for most end-users to make a choice based on parameters they don't know. Therefore, removing these parameters from contract and implementing legislation to grant net neutrality will be much more effective.

[NN#1v2]

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[SpS#2v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Francesc Brugarolas

From: michela_taddei
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Concerned citizen
Date: 06 July 2016 21:05:46

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Michela

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Kind regards,
A concerned citizen

From: [karl doyle](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Concerned for my children
Date: 03 July 2016 08:42:36

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Mirage Audio- Karl doyle

[NN#1v2]

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would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-

rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and

radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic

management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Boris Weigend](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: concerning internet neutrality and -freedom - Addendum
Date: 16 July 2016 16:48:03

Dear Sir or Madam,

I've taken the time to reply to the questionnaire, that was made available from the Mozilla Organisation. I hope, you may benefit from the opinions stated in this context. I'm an engineer, inventor, entrepreneur and technophile Media-Expert.

Sincerely yours: Boris Weigend, Erfurt, Germany

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Boris Weigend - 3ears

Q: What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

A: "Zero rating" is a kind of "free gift" for consumers. Zero rating - however - can be misused by big IT firms to promote their products and Internet content by paying the ISP for their transmission fees ("postage payed") or having a mutual agreement. This might give them advantages over smaller IT-firms, which maybe can not afford to pay the ISP for that rates in the current stage of their business development. "Zero rating" is not desirable concerning a fair, democratic and creative use of the Internet.

Q: What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

A: The service provided by an ISP should be optimal by default. Special Services as f.i. Online Television should not have influence on the bandwidth limit or reliability for other user group of the Internet. Traffic speed on the users side should be provided exactly in that rate specified in the contract made with the ISP. Wireless traffic should be made possible within the range of a fair treatment of all user groups. Applications f.i. like "connected cars" should not have influence on the wireless traffic for other user groups.

Stating "Optimized Services" implies a 'second grade'-Internet with limited quality.

Considering those business practices would open up the possibility to outsource IS-Provision to low-cost sub-ISP's in that particular field, which lack a well-maintained and recent infrastructure to ensure optimal quality without bottleneck or potential packet loss.

The regulations for suppliers of electrical energy don't accept providers with old, clunky steam propelled equipment, either.

Question:

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Answer:

1. Connected Cars is bogus. There is no real need for such an application, which might limit the Wireless Traffic of other applications when constantly online. CarEntertainment for passengers like real-time streaming of HD-videos is not a "Must Have". Having enhanced Entertainment in cars is a threat for driving safety. Online maintenance-routines where car data is transmitted in real-time to the manufacturer f.i. is not a real benefit. In case of a mechanical failure, the car has to be looked after by a mechanic of flesh and blood, anyway ...

The concept of Connected Car could however lead to a development, where the free will of the driver is altered when f.i. the speed of a car is altered by a virtual Traffic Control System. Extensive Traffic Control on the motorways in the Netherlands f.i. RESULTS traffic jams AND inattentive driving behaviour.

2. Concepts as e-health could be beneficial to some point, if not exaggerated. Online monitoring of live functions of every person in realtime is not something, the world should strive for. Monitoring of biological functions as blood pressure, blood sugar, heartbeat etc. could be nice for patients with a heart disease, or other risk groups.

Q: What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

A: Specialised Services could seriously limit the bandwidth of the Internet, by f.i. providing media-related content on large scale, like HD-Television and interactive content. It could lead into a situation, where internet is divided in Premium and 2nd Class. Advanced users and f.i. start-up enterprises with business models, that rely on transmission safety and a guaranteed traffic. They could suffer under those Special Services, which have a great appeal for many, but use up a lot of bandwidth and so limit the access for the more qualified people, that make use of the Internet in a creative way.

This is also true for Special Wireless Applications, where the bandwidth of the Ether is used up the more constant streaming is required. Usually the Low-End-User doesn't understand the technical limits of real-time wireless transmission and the boundaries within - and surely not, what his consumer behaviour means for the others.

Therefore Specialised Services, which make use of a lot of traffic via wire or wireless, should be restricted in such a manner, that they don't interfere with standard average use of the internet. Standard internet services provided by the ISP (access with a certain guaranteed bandwidth and failure free transmission) should not be influenced by Special Services. Non-Internet based Television and Entertainment is already provided in great profusion.

Q: Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

A: There should be neither a commercial practice or any other

interference that limit the use and the freedom of the Internet. The unhindered use of the Internet should be declared as a human right. The end-user pays ISP a certain fee for access for a guaranteed speed and traffic and to be able to use the inherent infrastructure.

Q: Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

A: Again - there should be neither a commercial practice or any other interference that limit the use and the freedom of the Internet. Traffic monitoring and deep packet inspection is not necessary, if the Internet is used in a proper and well-balanced manner.

Providing Premium- and Special Services which use up a lot of bandwidth is counter productive for a free Internet by finally requiring extensive measures for traffic control and management that may infringe with the ideal of an uncensored Internet.

No postal service would x-ray and open up a letter in order to divert it, if it should contain a picture that exceeds the value of two grammes... Big packets and small envelopes as a whole - that's different.

Q: How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

A: No interference in general. If f.i. Email-Traffic is limited by enhanced streaming, the data should be treated in that way, that small traffic has got priority over streaming - like different tracks on a German Motorway. The faster car can overtake trucks easily on the left track, but has to make way for faster cars by entering the right track, again. It's more efficient than a general speed limit. But - too many trucks on the road which overtake each other (competing ISP's with "Special Services" using up a lot of bandwidth) make the system collapse, if there are not enough tracks available (bandwidth). Also bad traffic management can lead to jams - like on the motorway. Managing high speed traffic within narrow boundaries will lead to complete breakdown of the entire system subsequently. (Like a failure of a signal or

Q: Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

A: *see above.*

Q: What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

A: Limit the amount of streaming services in areas, where bandwidth is low. This should be valid for all services in general - no exception for "Premium Services" that require a lot of bandwidth like Internet based TV or other streaming applications. However, services that are important for well-being and social living, concerning health, environment, safety etc. should be given absolute priority. In general, ISP's should keep up their infrastructure up to the newest standards also in areas which are less populated not to create bottlenecks for applications or "3rd World Areas" within developed countries the future. This is very desirable.

Q: What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

A: Informed decision could be in that way, that no packet of information is reassembled for inspection in terms of traffic management. Information about traffic management in detail is so abundant, that even the technophile engineer (like me) will find it hard to decipher. There should be - however - be stated that the ISP in no way will tamper with traffic in such a way that it will led to disadvantages for small businesses and individuals which rely on a proper bandwidth and the possibility to compete against big corporates.

Nor should be the traffic for "Power Users" and competent people be hindered by traffic created by Streaming Media users. The measures taken to insure that should somehow be pointed out in an easy-to-understand diagram and a legible and for the average individual understandable written text.

Q: What information would you like to receive about the speed of your Internet connection?

A: Well - I know my speed limit and it can be verified in several ways. And it can be displayed by my provider if I want it.*

Q: How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

A: The technical parameter of ISPs should be measured and rated by an independent organisation, like the: <http://www.atlete.eu/> - in this case - for washing machines and refrigerators. They should be a part of any brochure of an ISP.

Kind regards,
A concerned citizen

Boris Weigend
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From: [Boris Weigend](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: concerning internet neutrality and -freedom
Date: 16 July 2016 12:31:49

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Boris Weigend - 3ears

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

Specialised Services

=====

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation

guarantees.

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Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

Zero Rating

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

Traffic Management

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter,

packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken.

Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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From: [Nico Weyand](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Concerning: BEREC net neutrality guidelines creation
Date: 28 June 2016 17:42:26
Attachments: [0x10EA9281.asc](#)
[signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

My understanding of the term “commercial practices” is the usage of money to mass-redirect people to information channels that are “better” for the ISP – for instance news websites reporting less critical over net neutrality.

As for the second question: No, there is not. Well, actually there is, but only for users that would like to be brain-washed by their ISP or by users who don't stop to think about their actions before it is too late (and there are – to my regret – a lot of them).

My name/organisation:

Nico Weyand / Student at KIT university, founder of the StartUp “keyboard innovations”

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

In my opinion, no such services should be provided additionally to their primary service: internet access. If an ISP desires to provide additional services, those should be built on top of the regular internet service (with the same reliability and speed guarantees) and not beside it.

If an ISP cannot guarantee sufficient quality of service for its internet connections, then the “special services” should be hit just as much by the resource shortage as “normal” internet access.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

No. Such a demand could only appear if it were to be tolerated for the ISPs to create such a demand (by not investing enough in their infrastructure or by actively shutting down some infrastructure links to increase traffic). And in that case, this is the fault of the ISPs and it should not be rewarded by allowing them to sell their resources at a higher price when the shortage is self-made.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

I don't see much positive effects besides a short and medium term increase of ISP profits. In the long term, this would be compensated by the growth reduction of the entire internet/digital industry they depend on. As for the negative aspects, there are many. Especially if certain news websites were to be favored in their traffic over others, this could

make it much harder to view videos on some sites while the videos on other sites could be viewed without lagging. This would cause audience to shift towards the news websites with the better funding (and we all know that there is a lot of funding for certain campaigns (*cough* Brexit *cough*), which could make those populists even stronger).

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes, I do.

Just imagine there are three news websites a user regularly visits to get a balanced view on the news situation. Now one of them is known to report more in favor of populism and nationalism. This one is the one with the best funding and is therefore sponsoring the ISP in order for the ISP to exclude it from the user's monthly data amount (after the reaching of which the user's mobile traffic is clamped down for the rest of the month).

This will mean that at the End of the month, when the user's amount of unlimited LTE traffic is at an end, the user will prefer that news page over the others because it still runs smoothly, while the others lag when loading. And now imagine this being not one user, but lets say about 20% of the population.

And now let's imagine a Brexit votum where the last 10 days before the votum all of these 20% would have had unlimited mobile access to populist newspages while their access to other newspages would have been limited. Imagine the vote to have gone 60:40 instead of 52:48 (which is bad enough). And now I hope I've got you convinced :) (I admit, my example was a little bit oversimplified and -exagerated, but that is the general direction this will go long term)

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No! This is a major privacy concern! Just imagine how you would react if somebody where to open all of your letters before forwarding them to you. There would be an outcry. And: It's the same for E-Mails and any other web content. There is no reason why anyone should inspect/monitor what clothes I buy in web stores, what political discussions I have on web forums or what web radios I listen to.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

It shouldn't. How I use my Internet is my own choice and I am the one who should prioritize its usage. I am paying my ISP for internet access, not for baby sitting.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes, it would. Because the term „technical requirements“ can be molded to fit a lot of purposes if need be. Just think about the so called „child pornography site bans“ in many countries that are used to ban web content of critics, opposition partys and the like. At the root, the idea to ban child pornography is a really valid point that most people can agree on, but it never takes long for such power (of barring or impeding the access to knowledge) is misused.

Also, if there are technical requirements for some content to be delivered faster, this should be solved by technical means (i.e. build new data centers or fiber-optics cables to make everything faster).

What would you consider to be "reasonable" traffic management measures?

How can "unreasonable" traffic management measures affect you as a user?

Please, provide examples.

Reasonable traffic management includes reducing the speed of all services equally. This is the only reasonable form of traffic management. Any other form (like for instance clamping down the download speed of certain web traffic like videos and large files and not affecting the other services) would be definitively "unreasonable".

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

I would like to have all providers list in a standardized form:

- Cost for 1, 2, 3 and 5 years of usage (this allows to better compare the offers from providers with special conditions during the first year or two)
- How much bandwidth the provider guarantees (minimum bandwidth guarantee)
- The maximum bandwidth
- Information on how the bandwidth is reduced in case there is a lack of resources (Is there net-neutrality in this case?)
- Technical aspects of the internet connection (especially for DSL, it would be really nice to have the involved servers, the copper cable length, the number of other DSL users in the same copper bundle etc. listed)

What information would you like to receive about the speed of your Internet connection?

OK, it seems I answered this already in the previous question:

- How much bandwidth the provider guarantees (minimum bandwidth guarantee)
- The maximum bandwidth

- Also: the average guaranteed bandwidth over one month would be nice, but not strictly necessary.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

These technical parameters should be defined in the contract and communicated to users in a standardized way within advertisement and on the provider websites. Users should have a refund option if these are not met.

Quality of service as perceived by the end user however is probably something that is too vaguely defined for it to be put in writing while setting up a contract.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by

the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users'

rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
Nico Weyand,
A concerned citizen

PS.: This message has been signed via PGP.

From: [Simon Smeets](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Concerns regarding BEREC
Date: 28 June 2016 22:51:42

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Simon Smeets / Keystroke

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental

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Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the

restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Martin Hammes](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Concerns regarding net neutrality
Date: 16 July 2016 09:42:16

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

Zero-Rating is negative, because at the end, only the large multinational internet companies like Facebook, Google, etc., will benefit from it. It is like having a fee to go on the road when going to a restaurant, but if you walk to McDonalds, it is free of charge. It would influence our behaviour and we may be easier manipulated.

My name/organisation:
Martin Hammes

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Once you open the door, the next ones will follow. Are business emails more important than private ones? What about video streaming and music streaming? If you open the door suddenly everything will become a specialized service and the result is that at the end everyone has to pay more.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

e-Health demands very high data throughput that current internet providers hardly offer. However, if I as a customer want more speed, I have to pay it.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No, because the traffic is private and the ISP should not care about it. Instead of spending their money on this technologies they should rather improve their horrible services.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Not at all!

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes

What would you consider to be "reasonable" traffic management measures?

How can "unreasonable" traffic management measures affect you as a user?

Please, provide examples.

There is no reasonable traffic management

What information would you need to make an informed decision about your

Internet connection? For example: traffic management, commercial practices or technical conditions?

I do not want any of those

[NN#1v2]

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[TM#1v2v2]

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Kind regards,
Martin Hammes

From: [Stefan Gantner](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Concerns
Date: 16 July 2016 16:26:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? depends on the situation, if there are no more good basic services, the users has to take whatever is necessary to get access to a that and the depending on the users wallet, he is looking for the cheapest and if that means to use a zero rating service for e.g. spotify they will take that, even if that means to lose control about their freedom.

My name/organisation:
Stefan Gantner

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
Less competition and monopoly for the few staying ISPs let them decide to take what ever price they like

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
This is like a weapon, you can do good or evil, but for sure whenever there is more money to make on the evil side, so economists will tend to the evil side.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
Not at all, this is just an excuse for selling more user targeted ads.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Not at all

[NN#1v2]

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The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article

3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups.

Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Thomas Solymosi](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: concerns
Date: 15 July 2016 09:33:45

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Thomas Solymosi / FAU Erlangen

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Mark](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Consultaion Berec
Date: 15 July 2016 19:41:49

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Markus Homann

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?
No, I don't think so and I haven't met anyone who expressed this demand.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
I can think of none that matches the question. Why would they not be included into the Internet access if the ISPs would finally implement NSA-proof cryptography.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
No, none that would be hampered by slowed down connections within the normal Internet access.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
I think so, but I will not provide further examples beyond the ones already given by Internet Activists opposing the "Drossel-kom".

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
No, they should not be allowed to abuse their self-created monopoly any further than they already do and any attempt for traffic monitoring and privacy infringement in general earns my righteous wrath.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
They should provide a service and not interfere with my own free choice how to use my Internet access. I think they want this permission just for their own financial gains.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
That would limit my freedom. If I was slowed down by another Internet user, why should the ISPs not invest in better infrastructure? The answer is profit, which I think they have more than enough of.

What would you consider to be "reasonable" traffic management measures?

How can "unreasonable" traffic management measures affect you as a user?

Please, provide examples.

I would leave the sections about reasonable traffic management out altogether.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

I want all the informations. I hate information assymetry in buying decisions. ISPs do a good job on breaking it down to key selling points, but I want to be able to access all informations concerning my Internet access.

What information would you like to receive about the speed of your Internet connection?

cryptographic measures in every detail and every part of the network, disclosure of cooperation with the NSA and other Intelligence agencies internationally, average, max, minimum and minimum speed allowed before the user gets money back from the bill, the same for latency, jitter, packet loss, ping times to important sites and servers in Germany and internationally and for VoIP connections and other important network protocols, downtimes of their servers and other network incidents. And I could go on listing infos I want access to. Leave it to us nerds to sort it out.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

They should describe every possible detail. It doesn't have to be on the front page, but publicly accessible. And how about free access to the Websites of the ISPs for everyone who hasn't got Internet access yet? I would prefer narrow parameters defined in contract.

[NN#1v2]

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Kind regards,
A concerned citizen

From: [Marion](#)
To: [NN-Consultation](#)
Subject: Consultation
Date: 15 July 2016 09:42:50

Dear Sir / Madam,

Please take this comment regarding the BEREC net neutrality guidelines creation into consideration.

- Net neutrality rules protect all of us from a corporate takeover of the Internet, as they foster diversity, equality, competition and innovation.
- If we allow 'fast lanes' for the highest bidder, everyone else will end up in a 'slow lane'. This discrimination would make it harder for independent media, start-ups and citizen movements to survive next to dominant players like Google and Facebook.
- I urge you to close all loopholes in the current proposals that would allow service providers to prioritise certain content and act as gatekeepers, through preferential treatment, "zero-rating" or class-based traffic management.
- In Brazil, the US and India, regulators have adopted strong net neutrality rules after an overwhelming response from ordinary citizens to their consultations. Now it's Europe's turn to protect an open and democratic Internet.

For this reason, I urge you to amend the current draft guidelines according to the Policy Analysis of the BEREC draft guidelines.

Marion Bourbouze
Scotland

From: kug1977@web.de
To: [NN-Consultation](#)
Subject: Consultation about net neutrality
Date: 16 July 2016 12:02:05

I want that you stay for a strict net neutrality, that all data are handled equal and no company can and will be allowed to discriminate services on the way to the customer.

King regards,
Kay-Uwe Genz

From: [Roland Netzsch](#)
To: [NN-Consultation](#)
Subject: Consultation about Net-Neutrality.
Date: 12 July 2016 01:36:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? While there is a demand for zero-rating, exactly this zero-rating prevents new startup-companies from gaining the attention of the end user by creating an incentive to visit more established examples (zero-rating, etc.)

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
No. History shows that the implementation of practices such as "deep packet inspection" enables censoring and other practices that undermine my understanding of freedom and can lead to other uses of this monitoring technologies not previously mentioned and/or intended by the law.

Often cited arguments, like the prevention of copyright infringements, degrade the ISP to a informal police force not officially acting in the name of the copyright holders. The procedures against copyright infringement is still and should remain mostly handled by the copyright holders and their authorized law firm and should not include the ISP or hosting companies (outside of court cases). A procedure against copyright infringers thus should never include a third party except the court.

An other problem with monitoring, like mentioned above, is censoring. Installing monitoring equipment usually allow the technical implementation of censoring mechanisms, which usually at first are include crimes like pedophilia but are often extended to censoring of political dissent (even if they are far right-wing). This is not about protecting our security, but our freedom and the democratic values of europe.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
No interference.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Not for end-users, no.

Between ISPs (or any other organization with an Autonomous System [AS]), routing policies should be able to be freely discussed.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Today, it is considered normal to pay more for more connection speed. This is completely reasonable, as this allows end users to pay less, if the do not really need the full speed for their connection.

It is, however, unreasonable, by today's standards and technical requirements, to reduce the speed after an amount of used traffic, as long as removal of this measure, is likely to cause infrastructural problems that the ISP does not have control over or cannot reasonably fix themselves. (Reasonable would be, for example, upgrading the infrastructure to a certain extent.)

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Are there any traffic limitations imposed on the connection that are only imposed after a certain trigger. (Used traffic, copyright infringement, etc.)

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Latency is wildly varying depending on the location you want to visit.

Important, however, are typical speed as well as typical in-country latencies as well as inter-continental latencies to the USA. Average Packet-loss to reachable remote clients should also be capped by the contract, should the cause of the packet-loss be on the side of the ISP.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: luigi.cimini
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Consultation berec net neutrality.
Date: 17 June 2016 23:37:57

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Luigi Cimini

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Kind regards,
A concerned citizen

From: [Angus McGregor](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Consultation of ISPs"
Date: 26 June 2016 10:56:32

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

There is no benefit to the individual to be fed content without asking for it. This is not best practise, and constrains neutrality.

My name/organisation:

Angus McGregor at angusmcgregor.com.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Health and social welfare. Emergency services, such as ambulances, public safety only with police, not badgering individuals and slowing down the service. Intelligence organisations targeting Governments and monitoring of dangerous individuals only; not pursuing the general public by constant blanking surveillance. Social networks deemed by public online support to be legitimate freedom fighters. The internet may be for everyone, according to Tim Berners Lee, but not just to the priveleged to monitor everyday private communication and private web browsing history. Angus McGregor

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Net neutrality is the goal, but without a full time and accountable Office, net neutrality will always fall in preference to the appetite of those who have the corporate appetite and funding to squash the individual. Bodies such as GVHQ and National Police have unbridled access to data that can be used to protect the public but is increasaingly used as a malign force by gathering blanket information on all. For example, I am being stalked by an obsessive policeman who has disproportionate access to data and can make arbitrary comments about me that I cannot access or verify. When I report a crime, I am cut off without knowing why. All authorities, together with loyalty cards, emails and social media are gathered without any realistic hope of neutrality. Thus the ley individual is judged by a legally untrained civil servant, who can make arbitrary and unregulated judgement based on their personal opinion of the retained data of the individual. Civil Rights are therefore taken away and the individual left drowning in unregulated retained data.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Specialised services must be open to scrutiny more than the sovereign individual. Individuals have a duty to work within simple confinements of criminal law that can be easily filtered on the basis of the key

aspects and behaviours that could ring alarms through existing authorities. Thus background monitoring that disposes data of no interest would stop constant retention of personal data. I am not sure that the nature or names of specialised services in the question title would allow for judgement, so I would have to conclude that freedom of the internet is the right of The Sovereign Individual, and any challenge to openness must be strictly monitored and all data that is of no criminal content should not be gathered and stored. The obligations of the individual, by the wording of The Human Rights Act 1998 states the right to privacy and freedom of speech. Tim Berners Lee stated that the internet is for everyone.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

By default, commercial practices have a disproportionate effect of skewing neutrality to the end user. Since it can only benefit a commercial entity, it is imperative that any interference with browsing or searching should, if implemented, be explicitly stated. If not, it is not in good faith and therefore a violation of privacy.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

As detailed above, it is the duty of a national or supra national and answerable body to filter and then dispose of data to protect the public. The ISP is there to connect the private internet user by default in their contract. The ISP has this task only, and traffic should pass freely and without hindrance.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Should the ISP decide to throttle traffic, then it is failing to provide a fast and unbiased access to the web. The individual should be offered the fastest access possible, and any priority filtering, when not stated clearly at the time the contract is formed with the individual is deemed a breach of contract under The Unfair Terms in Consumer Contracts Regulations 1999.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes

What would you consider to be "reasonable" traffic management measures?

How can "unreasonable" traffic management measures affect you as a user?

Please, provide examples.

Traffic measures are a failure of the ISP to the consumer. The ISP is charging line rental and this must in turn be used to improve the quality and speed of access to the internet. ISPs are seemingly not monitored nor controlled by any national or supranational governing body. They are simply there to allow fast and unlimited access to the internet. The individual enters into the contract with the ISP, and in return expects fast and un-managed access to the internet. Management slows down internet speed and breaks the presumption of good will.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

As described above, I made an informed decision to enter into a contract with no mention of third parties interfering with my access. I would have to consider each body's interference in order to give

informed consent. Anything else if, by default, a breach of law.

What information would you like to receive about the speed of your Internet connection?

There is no reason not to include updates if the individual is offered this and can make an informed decision. It could then be customised.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

A simple bulleted set of parameters in bold, at the time of joining.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

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Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable

traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,

Angus McGregor. The Leys, Coggeshall Road, Stisted. CM77 8AB

From: [Felix Guerot](#)
To: [NN-Consultation](#)
Subject: Consultation on Internet
Date: 15 July 2016 19:53:01

I am not sure if by this consultation you are asking for our opinion on Internet policies. However, if this is the case, I am strongly opposed to privileged data transfer for selected, or "mainstream" sites for diversity's sake.

If however you do not care about our opinion, it's very unfortunate, to say the least.

Félix Guérot
+49 (0)174 24 23 131

From: [Marc Albrecht](mailto:Marc.Albrecht@consultation.savetheinternet.eu)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Consultation on net neutrality
Date: 14 July 2016 21:01:59

Dear ladies and gentlemen,

I ask you to consider my thoughts on the BEREC net neutrality guidelines creation. This mail has been created with the help of the "savetheinternet.eu" service, therefor you will find some standardized text blocks below my own. I have marked the break with a line of #####.

Basically everything that can communicate data via a network could be considered "specialised" service, therefor the whole idea is counterproductive. If EVERYTHING can be an exception, there is no exception, but those with "the power" (ISP) can decide what works and what fails.

Examples for "specialised" services would be:

- http/https
- email
- VIP (internet telephony)
- chat services (skype, wassap etc)
- telnet
- ssh
- ftp

These examples, since they can be tied to single ports or service functions, show that by allowing for "specialised" definitions the internet can lose its quality as a "service network" all together

It is without question that the constantly rising demand for ad-hoc data transfer and real time services will make SOME KIND of priority data transfer ABSOLUTELY necessary. That is the core of the discussion. If everything is treated equally, high priority services - say medical data transfer - MAY suffer from every day hickups. Yet, leaving it up to commercial service providers to regulate what is "high priority" is the only wrong approach possible. An open discussion with service vendors, users and inventors is required to obtain a somewhat realistic picture of the next 5-10 years of use cases.

As outlined above, treating everything equally will undoubtedly lead to everything being equally BAD in the near future. Some kind of priority management is absolutely required in order to guarantee service quality for, example, 112 calls (an increasing number of countries and phone companies are using VIP-only tech). Having 112 calls suffer from an overload on some data knot in, say, Frankfurt is a no-go.

That said, setting priorities in a system that is vital for all of Europe's societies can never be allowed to be in the hands of commercial service providers alone.

If commercial practice is regularized by laws and (no pun intended) "common practice" (as in "common sense"), rights of end users can be protected, but at a price.

There is no such thing as a "free internet", and a "free internet" is not a "good thing by definition". The question is: Who is in control over how one of the most important "life lines" modern societies use? Can we allow commercial INTERESTS to dictate "commercial practice" as the prime directive?

It has to be understood that "the end user" in general is uneducated,

uninterested, selfish and, increasingly, hostile towards other human beings, environment and the future of the planet. This "end user" can not be the focus of a "well balanced decision for the benefit of all people".

"Commercial practice" will always have this type of "worst case" user in mind, tailoring solutions for as many "stupid" users as possible. Europe's recent past has shown that allowing a "dumb mass" to take control (over politics, social life, environment) is WRONG, because more harm is done than through representative democratic means. "Commercial practice" has to be controlled by appraisers, specialists, visionaires. There has to be discussion, back and forth and compromising. "Commercial practice", as in "tailoring solutions to the broadest possible spectrum" is not sustainable.

We do not live in times of a theoretical "freedom" against "safety", we are indeed in times of "how much freedom are you willing to give up for a certain degree of safety" and there is no "none" that could be applied to ALL people.

Personally I prefer not to be spied on. I do suspect my government (Germany) to spy on me and I do NOT trust my government or our executive. Yet, I feel uncomfortable with allowing the growing mass of BAD people to roam freely through the interwebs (by "bad people" I do not simply mean extremists of any kind, but the many, many swindlers, cheaters, thieves, haters, stalkers, anonymous morons).

I do not have a simple answer on the question "Should ISP monitor content and type of traffic". If a "Yes" or "No" is required, I tend to "No", ISP should not be allowed to monitor data.

On the question about prioritisation of services:

Actually, if I have a CHOICE which services I want to prioritize (by paying more or less for specific services), I am *fine* with negotiating a contract that is tailored for MY individual needs.

If the ISP, however, does not give me the choice, then I do not accept ANY traffic shaping as "fair".

The most obvious example for a private household internet access would be traffic shaping/management on VIP(VOIP) versus HTTP. VIP (Voice over IP) always needs to get highest priority in order to allow for emergency calls and/or medical (or comparable) assistance.

Obviously this line of thought leads to a lot of "high priority" needs that should not get questioned by the "end user" (see above).

As a service provider myself (tutoring, problem fixing, server control) I would prefer being able to negotiate traffic management with my ISP.

"Unreasonable" traffic management would be such that would do harm to my business (e.g. limiting SSH connections or video conference calls).

On the question about what information I would like to receive about the speed of an Internet connection, I respond with this:

A minimum connection quality between my port and specific, to be negotiated open knots, assuming no external influence, would be a good starting point for an "information dump". It would be helpful to have access to lists of proxy/mirrors, hinting at what services I could personally prefer. An example would be: If an ISP provides a BETTER connection to Dropbox than to MS OneDrive, I would welcome this information as I would then use Dropbox instead of OneDrive.

WITHOUT this information I have to try things out - which is meaningless, as service quality is always changing.

An example: German Telekom is world famous for having some of the worst AWS (Amazon cloud services) connections anywhere on this globe (there are some US providers that are worse, though). It would be very helpful if Telekom would TELL people about their extremely bad service quality

against this SPECIFIC service provider (Amazon). Since many commercial services use AWS for caching purposes, being a Telekom customer can put you into serious disadvantage.

The following is an excerpt of the standard content created by the mentioned service. I am leaving most of it in this mail, but it is, except for some deletions I made, unaltered from all the 120k other mails you got. My personal contact data can be found at the bottom of this mail.

#####

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised

traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
Marc Albrecht
Glinder Str. 2
27432 Ebersdorf

From: [Manuela Kupfer](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Consultation on Net Neutrality
Date: 15 July 2016 11:26:03

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
M Kupfer

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: kazwo@posteo.eu
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: consultation on net neutrality
Date: 09 July 2016 03:38:18

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

"Commercial practices" that interfere with the fundamental principles of the internet (equality in the treatment of all connected devices, equality in the treatment of all data packets, ...) need to be banned. "Zero-rating" and comparable practices are the beginning of a dangerous road leading away from freedom of speech and freedom of communication.

My name/organisation:
Kai Bartels

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Primarily "Internet Access" Providers will provide an "Internet Access" Service. If they provide different (aka "specialised" or "optimised") services on top of that, they become providers of these different services additionally to being internet access providers, like it is the case nowadays with companies providing access to the phone network and to the internet on one physical line. The phone access service in this example is considered a specialised service that does not interfere with the internet access service.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

I can see no demand for such specialised services in the consumer sector. In addition I can see no possible justification from the point of view of the people for any service being allowed a guaranteed high-bandwidth usage if thus interfering with other services.

One might imagine that there will be low-bandwidth applications in small and well-defined sectors of public interest (e.g. health) that require guaranteed maximum transmission delays (more in the order of minutes/seconds than milliseconds).

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Giving transport priority to some services (or some service providers) opposed to other services (or providers) highly impacts consumers rights to freedom of choice. It also has a negative impact on economic chances of smaller providers and thus on innovation as such.

Do you think that commercial practices could limit your rights as an end user?
Could you provide examples?
see answer to previous question

Should the ISP be allowed to monitor the traffic of their users, including the

content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Serious data protection rules allow content inspection only in exceptional cases and only if necessary to provide the service (here: "the service" being the internet access service). When the transport provider access traffic, high data protection and IT security standards have to be in place.

To provide an internet access service, content inspection will not be necessary.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

The ISP should NOT be allowed to interfere with my internet traffic in such a way. When I have the need or any such QoS-configuration I should be enabled to manage these under my direct (!) control with the freedom of change any time I like. The ISP should not be allowed to impose any economic restraints in this respect.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

In short: yes!

Traffic management for technical reasons is an internal affair of an internet transport provider, but it may not be used to give different priorities to different kinds of traffic or to different service providers for other than temporary, pure-technical reasons.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Traffic management measures can impact e.g. the freedom of speech and the freedom of opinion making. Therefore traffic management has to be tightly regulated.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

I would need to know, what "specialised" services are offered _alongside_ the internet access service. For all services (specialised _and_ internet access) I need to know the contractual quality of service. The latter includes facts detailed in the next answer and abstinence from discrimination of traffic.

What information would you like to receive about the speed of your Internet connection?

I'd like to know about a contractually guaranteed minimum speed, a guaranteed "typical" speed and the maximum speed, in addition to a guaranteed availability figure.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

QoS parameters should be defined in the contract (a) as hard facts (numbers) and (b) with their impact on typical services in a way understandable by a typical customer.

[NN#1v2]

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[TM#1v2v2]

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Kind regards,
A concerned citizen

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"Grammar, n. A system of pitfalls thoughtfully prepared for the feet of the selfmade man, along the path by which he advances to distinction."

<Ambrose Bierce>

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-----END GEEK CODE BLOCK-----

From: [Dennis Redeker](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Consultation on the BEREC net neutrality guidelines
Date: 15 July 2016 19:32:09

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dennis Redeker

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
Dennis Redeker, Bremen, Germany

From: [Jochen Brandt](#)
To: [NN-Consultation](#)
Subject: Consultation response
Date: 16 July 2016 14:39:37

To whom it may concern, this is a submission for the consultation, submitted as an individual.

Zero rating: Zero rating should be banned completely, as it gives large companies an unfair advantage over small companies.

Specialised Services: The new rules need to clarify that a specialised services is objectively necessary for the service; no specialised service should be granted if the service is available on the open internet. For example, remote surgery should receive a specialised service, youtube, netflix, amazon, tinder or any other apps entirely for commercial or entertainment purposes should not. If an application is not a matter of life and death, it should probably not be a specialised service.

Additionally, specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees. Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Traffic management: Traffic management should be as application agnostic as possible. No class-based traffic management should be allowed.

Overall, the new guidelines should enforce net neutrality as much as possible and completely ban zero rating and class- or application based traffic management.

Best regards,

Jochen Brandt, PhD

From: [Gastone Benedetti](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Consultation save the Internet
Date: 25 June 2016 16:08:58

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

I didn't complete the questionnaire because the translation in Italian is not complete and not understandable by every Italians. Please, resolve this issue, then me and some friends of mine will end the questionnaire. Thanks a lot.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Daniel Roßbach](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Consultation
Date: 15 July 2016 15:01:18
Attachments: [OpenPGP digital signature.dat](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Given the fact that people's choices are constrained by their economic means, allowing providers to enhance the competitive position of some players by means such as zero rating would restrict users freedom of choice. The same happens as users who opt not to use the zero rated service are cross financing it - they are paying increased prices for a feature they neither want nor use.

My name/organisation:
Daniel Roßbach

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)? in as far as there is an application or demand for such services, as potentially in cars, they would also require high reliability and fail-safe mechanisms, so conducting them via the open web, and prioritising them there, is wrong. rather, there should be designated infrastructure for such services.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet? Allowing specialised services would increase the hurdles to offering performant services to innovative and independent actors and thus weaken diversity and competitiveness in digital marketplaces

Do you think that commercial practices could limit your rights as an end user? Could you provide examples? the mechanisms described above would potentially force me to a) pay more for service I de-facto receive and restrict my options, and b) might increase the cost of offering services or content (like podcast-media) online.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management? No, such involvement would violate people's privacy right, and require weakened technical structures that would make them less secure against any malicious third party, not just it's intended beneficiary (ISPs)

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? as minimal as technically possible to ensure reliable service.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
No, as long as no specific content-oriented inspection takes place.

Thus, its potential may be limited. the appropriate response would be to improve infrastructure

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples. "reasonable" traffic management can not include packet inspection or similar practices and should take place in ISPs configuring their equipment to provide equal best possible service.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions? real up/download speeds, quality and bandwidth of links to other ISPs/upper layer operators networks, existence or otherwise of interference with traffic or blocking of some connections, zero rating practices etc.

What information would you like to receive about the speed of your Internet connection? real up/download speeds over time, occurrence or otherwise of congestion, identity of technical bottlenecks

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how? intelligible to not technically inclined users but with detailed data accessible

[NN#1v2]

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[SpS#1v2]

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treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees. Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet. It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines. There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2). Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of

applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2). In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the

legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Noemie Desard](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: consultation
Date: 16 July 2016 11:02:46

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? I think people only want to go online as free as possible, without being controlled or limited by companies.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

I don't think there should be an optimised service, but company should work on a better internet for everyone, not a "normal internet" and a "faster internet" for big company. This might kill innovation and ideas.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

I've never heard anyone asking for it.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

I think specialised service may make innovation harder by prioritizing big companies over the others.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes, for example, facebook in India, who decided to provide free internet but only for websites that belong to facebook, or airports who wants you to pay to access to a website that is not theirs.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

I think FAI shouldn't be allowed to have any impact on the traffic. They are supposed to be neutral, otherwise it's like if the water provider decide if someone needs more water than someone else.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

The ISP shouldn't be able to interfere with my internet connection. Their job is not to decide what I can access in a fast way, but to provide me an access to internet.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

This can be an interesting idea

[NN#1v2]

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[SpS#2v2]

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[ZR#1v2]

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and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Florian Scholz](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Consultation
Date: 11 July 2016 16:11:44

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Commercial practices should never be a reason to weaken net neutrality, as they are never truly to the benefit of the end user - at least not long-term.

My name/organisation:
Florian Scholz

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Applications where guaranteed reliability and latency are critical (read: needed in order for the service to be able to exist, not for the service to work better) might need a specialized service. Additionally, these services need to be made available for every organisation on equal and affordable terms.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

There will definitely be a demand for specialised services in the future

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Applications that have requirements that the Internet cannot fulfill need these services to be realized. This should not have negative impacts on the innovation and openness of the Internet. If, however, the regulation of these specialized services and what they are allowed to be used for isn't strong enough, big companies might be able to find holes in the regulation that could hinder new startups from entering the market or even severely reduce the ability of NGOs, activists or other organizations that usually don't have the money necessary to make a stand for their cause.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Not at all. This would require them to know the content of the packets.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Again, this would need ISPs to know about the content of the packets - something they shouldn't

What information would you like to receive about the speed of your Internet connection?
Guaranteed minimum speed, maximum latency and maximum packet loss instead of maximum speeds

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Kind regards,
A concerned citizen

From: [Dan Arthur Gallagher](mailto:Dan.Arthur.Gallagher)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Consultation
Date: 17 June 2016 10:24:24

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

No!

My name/organisation:
Daniel Arthur Gallagher

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
VOIP - through dedicated phone fibre.
IPTV - again over dedicated fibre.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
Not yet and there shouldn't need to be.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
The barriers to entry will become larger and infrastructure will decline except at an elite enterprise level.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
Yes - I want to run my own site and if I make it fast and it's then throttled there's nothing I can do.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
Absolutely not.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
No way!

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Absolutely.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
I don't see how this would be needed. There are speed caps and that should be it.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?
Everything that could affect me as a standard home user.

What information would you like to receive about the speed of your Internet connection?
What I can reasonably expect it to be for me on a daily basis. Any usage caps or "fair use" limits.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined

in the contract? If so, how?

They should be technically stated and annotated with clearly worded explanations of the possible effects on normal use.

[NN#1v2]

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Kind regards,
A concerned citizen

Sent from my iPhone

From: [LUK](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Consultation
Date: 16 June 2016 20:54:29

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Cavallo Luca

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[TM#1v2v2]

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Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [David Durand](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: consultation
Date: 19 June 2016 13:21:39

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
David Durand

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic

management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [cb](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Consultations on Net Neutrality (Gremium der Telekom-Regulierungsbehörden in der EU (BEREC))
Date: 15 July 2016 11:30:17

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dr. Christian Bridts

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

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Dr. Christian Bridts

Wesendonkstraße 18
D-81925 München

From: [João A. Albuquerque](#)
To: [NN-Consultation](#)
Subject: Contribution to BEREC Guidelines on implementation of net neutrality rules
Date: 02 July 2016 05:44:01

Dear Sirs,

I am a Web/Software Developer from Portugal, and I am aware of this issue. I'll try to be very simple and succinct on my contribution, even at the risk of not being validated by you.

My friends and family ask me what is this all about Net Neutrality? What is this, and why should I be concerned? My answer to them is simple, not so technical, based on a simple analogy:

- Imagine this scenario:

You're at home, where you have all your appliances, from different brands. Your TV and desktop PC are from brand A, your dishwasher from brand C. The rest of the appliances are from brand D.

One day, your Energy Company starts to limit the power voltage to some of your appliances. When this happens, you become aware that your TV and Desktop PC are the only appliances that you can turn on and use. The rest of your appliances do not work because the power voltage is not enough. What do you do? Well, for the dishwasher, you will have to buy a new one from brand A in order to work or, wait for the maker of your current dishwasher to become a big business so your Energy Company increases the voltage to your dishwasher or, pay the Energy Company a monthly fee. What if the maker of your dishwasher can't pay fees to provide their customers more power voltage? No one is buying their products anymore because they don't work due to the lack of a stable and "open" voltage power.

Imagine your appliances from brand D works on low voltages. Your Energy Company provides similar appliances on their brands. Here comes the zero rating - Your brand D appliances stop working after being consumed 10Kw of power in a month but you could use those from your Energy Company (or other contracted company) on unlimited consumption. – Now, you have two choices: Wait for the first day of next month, or you throw away those D branded appliances and make a contract to use the ones from your Energy Company.

All of this makes no sense, and also doesn't with the use of the Internet. Small and medium-sized companies, and consumers will just lose. It's unfair!

At home, when you sign up a contract with an Energy Company, you choose the power capacity. When you choose an Internet package, you choose the speed vs. monthly cost. – You should never, ever be limited in speed when you use other online services, or visit websites of small-medium sized companies, etc.

A little out of the subject but just to justify other points of view, network protection procedures due to congestion, or due to have consumed all your package data traffic, ISP's should be prohibited to reduce a user's speed below 1Mbps on 4G networks or other type of networks they provide, especially if an LTE/4G service is sold as a «landline» service due to lack of xDSL or Fiber Optics infrastructures. In Portugal, ISP's limit their LTE/4G to 128Kbps when a user have consumed all package traffic data, no matter if you are a private user or a business company. – This is not the subject of my message but it serves the idea that we already have lots of issues

with ISP's at the present time.

ISP's must be obliged to comply with the rules and principles of an open Internet. Not doing so is an aberration, a daring against freedom of choice, freedom for doing business online. They should respect the users. - Their current policies in place are too rough, like 24 month period contracts, Internet speed limits below the speeds we had in 1999, and so on.

Thank you.

With my best regards,

João Albuquerque

PORTUGAL

From: [Info \(NCSC-NL\)](#)
To: [NN-Consultation](#)
Subject: Contribution to guidelines on implementation of net neutrality
Date: 06 July 2016 12:20:45

Hello,

Included below is our contribution to the interpretation of paragraph 80 of the guidelines on implementation of net neutrality.

Regards,

National Cyber Security Centre (NCSC-NL)
PO Box 117 | 2501 CC | The Hague | www.ncsc.nl

T : +31 70 751 5555
E : info@ncsc.nl

Visitor address:
Turfmarkt 147 | 2511 DP | The Hague

The National Cyber Security Centre (NCSC) is the central information hub and centre of expertise for cyber security in the Netherlands. NCSC's mission is to contribute to the enhancement of the resilience of Dutch society in the digital domain, and thus to create a secure, open and stable information society. On an international level the NCSC is the Dutch point of contact in the field of ICT threats and cyber security incidents. The NCSC is also a key figure in the operational coordination at a major ICT crisis and the Computer Emergency Response Team (CERT) for the Dutch central government.

NCSC does not operate a network itself, but coordinates with network operators on the safety of the Dutch digital infrastructure. NCSC has published factsheets on continuity of online services <https://www.ncsc.nl/english/current-topics/factsheets/factsheet-continuity-of-online-services.html> <https://www.ncsc.nl/english/current-topics/factsheets/factsheet-technical-measures-for-the-continuity-of-online-services.html> which recommend amongst other that network operators implement BCP-38, as explained further below.

Summary

We welcome BEREC's recognition of the importance of filtering to protect the security of internet services and users. However, while most of types of filtering identified in paragraph 80 of the draft guidelines can be implemented in response **to** a particular threat to a network, this is not true of filtering to protect other networks **from** threats created by the filtering network's own users.

BEREC's draft guidelines identify one such class of filtering – spoofed addresses. This type of filtering can, as discussed below, only be done by the networks that originate traffic. The Internet Engineering Task Force has long considered it Best Current Practice against denial of service attacks, as documented in their BCP-38. This recommends that all networks be permanently configured to detect and block packets with spoofed source addresses, before they leave the originating network. This recommendation is promoted by network operators (for example the FENIX group in the Czech Republic) and regulators (for example FICORA in Finland). We are concerned that the draft regulations, by stating that permanent filtering should be considered a breach of network neutrality, would seriously harm these efforts to protect the security and stability of networks and services.

Permanent filtering of spoofed addresses is not only an effective way to reduce the opportunity to

conduct denial of service attacks, it also distinguishes very precisely between legitimate and non-legitimate traffic. Unlike other types of security filtering it should not, therefore, affect network neutrality in any way. The only packets that will be blocked are those that, either accidentally or deliberately, do not conform to the fundamental Internet Protocol standard. Computers sending these packets would not, even on an unfiltered network, receive any internet service, since the response packets would never reach them. Filtering spoofed packets will have no effect on the computers sending those packets and only beneficial effects on the rest of the network.

We therefore encourage BEREK to recognise this type of filtering as not constituting a breach of network neutrality.

Discussion

Most Internet denial of service attacks use a technique known as amplification. Arbor Networks, “Worldwide Infrastructure Security Report, Volume XI (2015)”, page 24 This has been compared to the attacker asking for a mail order catalogue to be sent to the victim: by sending small postcards to a legitimate third party the attacker can create a much greater load on the victim’s mail delivery service.

The Internet version of the technique likewise involves an attacker sending a small message to a third party that causes that third party to send a much larger message to the victim. The Network Time Protocol (NTP) can generate responses 500 times larger than the request, many other services provide amplification factors of more than 100. US-CERT, “Alert TA14-017A: UDP-based Amplification Attacks” <<https://www.us-cert.gov/ncas/alerts/TA14-017A>> Most attackers use compromised computers to send their request packets, obtaining a further level of amplification. A single command sent to a few hundred compromised computers, each of which generates amplification requests at the speed of a typical ADSL connection, can generate flows of tens or hundreds of gigabytes per second to the chosen victim. This is sufficient to fill the connection of almost any organisation, resulting in the victim’s website and other services becoming inaccessible to legitimate visitors. Such attacks may be used, for example, for blackmail, activism, online gaming advantage, or to distract the victim from other hostile activity. By congesting other networks, their side-effects can cause instabilities across a wide area.

Amplification attacks are particularly hard for the victim to deal with, as the packets they receive are completely normal and come from legitimate sources. Any filtering that the victim or their network provider can implement in response to the attack will inevitably block legitimate traffic as well as the packets forming the attack. Similarly the services that are used for the amplification receive apparently normal requests, though perhaps at an increased rate, and respond in the normal way.

The only parties that can distinguish the packets involved in an attack are the networks that connect the compromised computers, controlled by the attacker, to the Internet. For the responses to be sent to the victim, the request packets must appear to come from the victim. Request packets are therefore sent with a “spoofed” source address – that of the intended victim – rather than the true addresses of the computers that generate them. This is the only point in the attack where abnormal packets are used, and where they can be accurately distinguished from legitimate traffic. Networks connecting users or organisations to the Internet should know which IP address ranges those users or organisations legitimately use: any packet that has a source address outside these ranges can be detected and blocked. Once packets reach transit providers the diverse connectivity of the Internet makes it practically impossible to distinguish those having a source address that does not match their network of origin.

Blocking spoofed packets was identified as Best Current Practice against denial of service attacks by the Internet Engineering Task Force in 2000. IETF, “BCP-38: Network Ingress Filtering: Defeating Denial of Service Attacks which employ IP Source Address Spoofing” <<https://tools.ietf.org/html/bcp38>> Wider adoption of this recommendation, known as BCP-38, has been encouraged by many global and national campaigns, including the Internet Society’s Mutually Agreed Norms for Routing Security Internet Society, “Routing Resilience Manifesto” <<https://www.routingmanifesto.org/manrs/>> (2014) and Czech Internet Service Providers’

FENIX project NIX.CZ, "FENIX Project" <<http://fe.nix.cz/en/>> (2013). The Finnish telecommunications regulator, FICORA, makes BCP-38 implementation mandatory for ISPs in Finland. FICORA, "Cybersecurity Review 2014", page 13
<https://www.viestintavirasto.fi/attachments/cert/tietoturvakatsaukset/Cyber_review_Q1_2014_EN.pdf>

Unlike filtering by the victim of a denial of service attack, address spoofing filters must be in place permanently. The volume of spoofed traffic from any individual computer is unlikely to be sufficient to trigger its Internet Service Provider's alarms; other networks or services suffering from the attack cannot notify the source ISPs because the address spoofing prevents them identifying the source of the packets. BERC's requirement that filters be enabled only in response to a particular threat is therefore likely to reduce (or at best slow down) the adoption of this important protection technique.

This would be a particularly unfortunate outcome of regulation designed to protect network neutrality, as filtering spoofed addresses is the most neutral technique available to prevent denial of service attacks. As discussed above, any filtering by the victim will inevitably also block legitimate packets, so will interfere with some genuine use of the network. By contrast, packets with spoofed source addresses can never form part of genuine use, because the responses will never reach the computer that originated them. Spoofed packets can only be created accidentally, through a misconfiguration of the sending computer, or maliciously. In the former case the computer will not receive services from the Internet whether or not its packets are filtered by its ISP. Such filtering therefore makes no difference to users' Internet experience and has no impact on network neutrality.

<https://www.ncsc.nl/english/current-topics/factsheets/factsheet-continuity-of-online-services.html>

² <https://www.ncsc.nl/english/current-topics/factsheets/factsheet-technical-measures-for-the-continuity-of-online-services.html>

³ Arbor Networks, "Worldwide Infrastructure Security Report, Volume XI (2015)", page 24

⁴ US-CERT, "Alert TA14-017A: UDP-based Amplification Attacks" <https://www.us-cert.gov/ncas/alerts/TA14-017A>

⁵ IETF, "BCP-38: Network Ingress Filtering: Defeating Denial of Service Attacks which employ IP Source Address Spoofing" <https://tools.ietf.org/html/bcp38>

⁶ Internet Society, "Routing Resilience Manifesto" <https://www.routingmanifesto.org/manrs/>

⁷ NIX.CZ, "FENIX Project" <http://fe.nix.cz/en/>

⁸ FICORA, "Cybersecurity Review 2014", page 13,
https://www.viestintavirasto.fi/attachments/cert/tietoturvakatsaukset/Cyber_review_Q1_2014_EN.pdf

From: [Daniel Weber](#)
To: [NN-Consultation](#)
Subject: Contribution to net-neutrality regulation consultation
Date: 10 July 2016 09:28:19

Dear Ladies and Gentleman,

First of all I would like to thank you for your work on the guidelines on implementation of net-neutrality rules according to regulation 2015/2120 and the chance to comment on the draft.

In 1997 I had my first contact with the internet via a local computer and internet club, which helped citizens getting access to the internet and trains them on how to use services and applications. During my time as a university student, the internet was an important source for lectures and research information. Now working as a software developer, internet access without blocked or throttled services and applications is still crucial for me.

Concerning "specialised services" and zero-rating contracts, I prefer a strict approach, requiring technical rather than economical necessities for QoS. Allowing ISPs to implement any kind of discrimination between CAPs would negatively influence the development of new internet based services or applications. In addition it would also negatively influence the economical development of smaller ISPs, as their market power (i.e. number of subscribers) is not sufficient to get the same payment for "specialised services" from CAPs as the bigger ISPs. Hence the bigger ISPs will be able to profit from a double sided market - as they already try to do within the IP-interconnection/peering-sector - and maybe lower the end user prices to a level which cannot be offered by smaller ISPs which don't profit from a double sided market.

Here are my comments to some of your guideline paragraphs:

Regarding IP-interconnection/peering

As you mentioned in par. 6, IP-interconnection/peering policies can be abused to circumvent the net-neutrality regulation by facilitating insufficient (i.e. recurrently congested) interconnection capacities for normal IAS and only installing sufficient capacities towards certain CAPs.

Par. 15 should require ISPs to implement an IP-interconnection/peering policy which provides sufficient capacities and prevents recurring congestion.

Par. 56 should emphasize that ISPs should not only provide transparent information about traffic management measures to NRAs but also to end-users. These information should also include details on overbooking factors of networks and IP-interconnection/peering capacities.

Par. 112 & 113 should mention that not only sufficient network capacity is required to provide a "specialised service" but also sufficient IP-interconnection/peering capacity.

Par. 158ff. should require the certified monitoring systems to also be designed to monitor performance issues caused by insufficient IP-interconnection/peering. This could help NRAs to detect IP-interconnection/peering policies aimed at circumventing the regulation.

Par. 164 should also include monitoring of IP-interconnection/peering capacities in the supervision duties of the NRAs.

Regarding zero-rating

Par. 36 - 40 should also consider commercial practices influencing end users' exercise of rights (instead of directly limiting them) like zero-rating of specific applications to be an infringement of the regulation. Such practices force end users to prefer a specific application (and hence CAPs) which discriminates other CAPs providing applications of the same category and might even discourage new CAPs from entering the market as they could not compete with existing CAPs due to existing zero-rated applications.

ISPs offering contracts with zero-rated applications (or classes of applications) should be required to offer a comparable service without zero-rating at a reasonable price (i.e. without prohibitive high pricing).

Par. 45 should be clarified: The second point is in contrast to allowing certain types of zero-rating: Zero-rating always causes some applications or classes of applications (those that are not zero-rated) to have a higher effective data price as other(s). E.g. if there is a mobile tariff plan at 10 EUR including 1 GB of data volume and zero-rating a specific music streaming application, then the price of 1 MB of the specific music streaming application is 0 while any other data is at 0,01 EUR per MB (and therefore at a higher price). So there is a strong disincentive to use any other music streaming service than the zero-rated one.

Regarding "specialised services"

Par. 101 should not allow "specialised services" to circumvent regulation on zero-rating. E.g. the combination of a regular IAS with limited data volume and a "specialised service" for a certain IP-TV service with unlimited data volume should not be allowed as it influences the end user's decision on which IP-TV service to use.

Par. 118 should ensure that the end user's IAS performance shall not be impacted by currently unused "specialised services". Furthermore, it should be added that ISPs offering "specialised services" have to provide a way for end users to configure the prioritisation on the dedicated last mile (e.g. to allow an end user to reserve a minimum of 60% of the access speed for the IAS).

Regarding terminal equipment

Par. 23 should define the NTP as passive component to prevent ISPs from declaring their preferred routers as NTP and thereby forcing customers to buy or rent certain models.

I hope you can take my comments into consideration for a further refinement of the guidelines, as I consider strict net-neutrality rules as crucial for the development of the internet.

Kind regards,

Daniel Weber

--

Daniel Weber
Zugspitzstr. 27
85560 Ebersberg
Germany

From: [E.Kweldam](#)
To: [NN-Consultation](#)
Subject: Contribution to public consultation
Date: 24 June 2016 16:24:31

Dear sir, madam,

CAI Harderwijk would like to contribute to the public consultation on Net Neutrality.

From a position as a small incumbent cable operator, CAI Harderwijk created neutrality in the network by opening up the network with structural separation. In this case neutrality is created at a lower level in the network, which provides a good example how a level playing field in an existing network creates effective and fair market competition.

It also endorses the need of net neutrality on the level of internet access. This open network will be largely undermined when neutrality is not guaranteed at a higher level. CAI Harderwijk does not have control at this level consciously, to create a level playing field.

The case in Harderwijk can support a view on strict ruling without weakening the guidelines.

CAI Harderwijk, effective market competition with structural separation between network and services.

In the mid 70's of the last century, as in many other municipalities in the Netherlands, a community antenna system originated in Harderwijk, with the construction of a coaxial network. A (semi) public infrastructure for transmission of radio and television. Most of these networks merged into the big commercial Ziggo (LGI) cable network. CAI Harderwijk remained independent as a small local player and sidestepped the mergers out of which the major market players have originated.

But independence is not all that keeps CAI Harderwijk apart from other telco-providers.

CAI Harderwijk:

- considers cable a utility for and from the community
- is, thanks to its limited scale, capable to build and maintain a state-of-the-art network
- has complete separation of infrastructure and services
- takes a crucial role as a chain director, with a sense of commercial interests and new propositions, but also from a social responsibility

The distinctive position in the market of CAI Harderwijk is nationally and internationally appreciated. The Consumers Union called Harderwijk the Internet Valhalla of the Netherlands. And the European Commission rewarded CAI Harderwijk with the European Broadband Award.

A truly open network

The unique approach of CAI Harderwijk ensures low barriers to entrants to the network. Optimal utilization of the network (for providers and consumers of services) is the main goal. It offers the best guarantee for a pluralistic supply, and it stimulates service innovation. The network of CAI Harderwijk is a completely open network. It allows pure competition between providers on the network.

Almost all network owners qualify their networks as open, meanwhile they create a lot of barriers. They also offer their own services, thus making it hard for new providers to compete with those services.

By a truly open network CAI Harderwijk means:

1. Low barriers for all service providers
2. Structural separation between network and services

1. Low barriers to entry

Service providers will get open access to the network of CAI Harderwijk. This leads to competition and a more complete offering for the people in the community of Harderwijk.

By easy access to the network small as well as large service providers are able to offer their services.

- For small providers, there is a low network barrier by access to the active network layer of

CAI Harderwijk. By this way CAI Harderwijk bares the investments that can be insurmountable financial barriers for small providers.

- Bigger service providers like to make those investments themselves, because own equipment is essential for their uniform (and often national) processes. For these providers CAI Harderwijk creates low barriers by direct access to the passive layer of the network.

2. Structural separation in the network

The network in Harderwijk is truly "open" by the conscious choice of CAI Harderwijk not to offer services themselves on the network. Competition by the infrastructure operator will, by definition, interfere with the free market (and open network).

- With structural separation the primary goal for the network owner will be services by others working in an optimum
- Without structural separation the importance of the network owner will be to sell and / or to prioritize their own services (first).

CAI Harderwijk believes the recent years in the Netherlands service development and innovations has been lagging behind, because the barriers for entrance to the network and the end-user are simply too high. Almost always caused by interwoven network and service interests: network operators compete with other service providers on their own network.

An open network does work

CAI Harderwijk shows that a model of separation of infrastructure and services with a healthy operation and high network utilization is possible. With six providers (including national parties like Caiway and KPN) there is very healthy network occupation and plenty of pure competition at the service level.

Unique about the situation in Harderwijk is that CAI Harderwijk itself opted for network neutrality. As an "incumbent" telco they opened up the network fully transparent, and withdrew as a service provider.

The model is largely successful because CAI Harderwijk made this choice from a 'brownfield', and she did not have to build a completely new network from a greenfield. A reality is that these choices are not likely to be expected from other parties in telecom. Their services and network are considerably woven.

As for Europe, with the separation of electricity networks still fresh in the memory, Europe seems cautious to interfere on this level.

Net neutrality

With net neutrality it is about the question whether providers may prioritize or delay certain types of internet traffic. In other words: one provider gets more capacity and speed than the other. CAI Harderwijk stands for openness and equality and is strongly committed to a 100 percent net neutrality. All providers and all data shall be treated the same, in a transparent and fair manner, irrespective of origin and destination. In our view, this neutrality is essential for development of (new) services.

Increasingly new competitive services are emerging entirely over the internet (over-the-top). For these innovations not to be stifled, net neutrality must be ensured at the level of internet access.

If neutrality is not (and will not be) protected on the network level, it should at least be protected at the level of internet access. The European Commission is in a strong position to ensure this (internet) net neutrality.

It is important to establish (internet) net neutrality. Business models of over-the-top services are not yet intertwined with those of the service providers. Without sufficient legislation however, loopholes can be provided to distinguish Internet traffic and enable powerful parties to make arrangements.

In addition to possible distortion of market forces, the business models will become intertwined. This will make future regulations or separation in this area much more complex.

Good regulation of net neutrality in internet is at the moment not requiring separation of financial flows in business models. As for CAI Harderwijk, the strict provision that service providers treat all

data in the Internet in the same way (regardless of the origin and destination) will only guarantee net neutrality.

With kind regards,
Edo Kweldam
Managing director
+31 6 45548222

handtekening+award



From: [Alexander Hinneburg](#)
To: [NN-Consultation](#)
Subject: Contribution to the public consultation
Date: 15 July 2016 21:28:58

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower

(and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed

reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
Alexander Hinneburg

Computer Science, Martin-Luther-University Halle-Wittenberg

From: [Cataldo Gallo](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Creating guidelines on net neutrality
Date: 16 June 2016 11:07:09

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Cataldo

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.#

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: rainer.krumrein@daimler.com
To: [NN-Consultation](#)
Cc: dirk.weigand@daimler.com
Subject: Daimler's contribution to draft BEREC Guidelines on implementation of net neutrality rules
Date: 15 July 2016 20:11:51

Please consider Daimler's contribution as follows (in German):

M2M-Kommunikation für schützende Anwendungen

Das mobile Internet, allgegenwärtige Computing und neue Sensoren ermöglichen eine neue Klasse von Anwendungen im sogenannten Internet der Dinge (IoT), die den Menschen bei seinen alltäglichen Aufgaben unterstützen und zur Verbesserung insbesondere der Sicherheit (Safety), Gesundheit und Nachhaltigkeit beitragen können. Diese Anwendungen basieren auf einer Machine-to-Machine-Kommunikation (M2M), um die für die jeweilige Anwendung relevanten Daten bereitzustellen.

M2M-Anwendungen entstehen in diversen Branchen, z.B. Gesundheit, Umwelt, Logistik und Mobilität.. Für eine begrenzte Auswahl solcher Anwendungen kann die Wichtigkeit der schnellen und zuverlässigen Übertragung von Daten sehr hoch sein. Informationen zum Schutz von Gesundheit oder gar Leib und Leben haben eine hohe Priorität und sind somit bei der Übertragung gegenüber anderen Mitteilungen zu bevorzugen. In der Datenkommunikationsinfrastruktur sind mittelfristig standardisierte Mechanismen einzuführen, welche auch bei Kapazitätsengpässen eine zuverlässige Übertragung solcher Nachrichten sicherstellen.

Spezifische Sicht im Kontext des vernetzten und automatisierten Fahrens

Die Automobilindustrie arbeitet derzeit an der nächsten Generation von vernetzten Fahrerassistenzsystemen und der Automatisierung des Fahrens. Diese Systeme bieten einen wesentlichen Beitrag zur Verbesserung des Verkehrswesens entweder durch Vermeidung von Unfällen oder durch eine gesteigerte Effizienz und tragen so zur Reduktion von Kraftstoffverbrauch und Emissionen bei. Während diese vernetzten Systeme grundsätzlich so ausgelegt werden, dass sie auch im Falle fehlender Mobilfunkverbindung sicher funktionieren und Unfälle vermeiden, ist die grundsätzliche Kommunikationsmöglichkeit mit dem Backend dennoch eine wichtige Voraussetzung: Um dauerhaft automatisiert zu fahren, muss das Fahrzeug kontinuierlich mit den für den automatisierten Fahrbetrieb relevanten Informationen zum richtigen Zeitpunkt versorgt werden. Die Datenkommunikation ermöglicht beispielsweise eine Prädiktion von aufkommenden Verkehrssituationen noch deutlich bevor der Mensch diese erfassen kann, wodurch Sicherheit und Effizienz nochmals deutlich gesteigert werden.

Im Rahmen der Diskussion, welche Anforderungen die Automobilindustrie an Mobilfunknetze stellt, werden oft sehr hohe Datendurchsätze oder niedrige Latenzen genannt. Deutlich relevanter als maximale Durchsätze ist jedoch die Gewährleistung einer kontinuierlich minimal verfügbaren Datenrate für ausgewählte, der Verkehrssicherheit dienende Anwendungen, damit die wichtigsten Daten jederzeit zwischen Fahrzeug und Backend ausgetauscht werden können. Nach derzeitigen Annahmen wird die von automatisierten Fahrzeugen benötigte Bandbreite zur Bereitstellung dieser prädiktiven Vorausschauinformationen eher gering sein gegenüber beispielsweise dem Bandbreitebedarf einer Multimedia-Anwendung. Die zusätzliche Belastung einer Funkzelle durch automatisierte Fahrzeuge ist also im Regelfall vernachlässigbar. Ein Problem entsteht allerdings dann, wenn die Nachfrage nach Bandbreite in Summe an die Kapazitätsgrenze der Mobilfunkzelle stößt. In solchen Situationen kann es notwendig werden,

Datenverbindungen für spezifische Funktionalitäten von vernetzten Fahrerassistenzsystemen und automatisierten Fahrzeugen bevorzugt zu behandeln gegenüber Datenverbindungen, die beispielsweise zur Unterhaltung von Fahrzeuginsassen dienen (vgl. auch Notrufe im Verhältnis zu regulären Telefongesprächen).

Zu beachten ist, dass langfristig sämtliche Fahrzeuge mit entsprechenden vernetzten Fahrerassistenzfunktionen ausgestattet sein werden. Bei hoher Verkehrsdichte können sich die Bandbreitenbedarfe signifikant aufsummieren.

Grundsätzliche Anforderungen für Anwendungen der Straßenverkehrssicherheit an Mobilfunk- und Datennetze im Kontext Netzneutralität:

- Alle Regionen, in denen Fahrzeuge automatisiert fahren, müssen flächendeckend und möglichst lückenlos mit Mobilfunk (LTE und möglichen Nachfolgestandards) ausgestattet sein. Dies betrifft im Besonderen Autobahnen, Kraftfahrstraßen und Straßen in Stadtgebieten. Dabei gilt es auch, schwierig auszustattende Umgebungen wie Tunnel oder Underground-Parkgaragen mit einzuschließen. Da die Reichweite von Mobilfunkzellen, effektiv nutzbare Bandbreite und Auslastung voneinander abhängen, ist dieser Aspekt beim Netzwerkmanagement zu berücksichtigen.
- Bei Kapazitätsengpässen im Mobilfunk- und/oder Weitverkehrsnetz müssen bestimmte, für vernetzte Fahrerassistenzsysteme und den automatisierten Fahrbetrieb notwendige Datenverbindungen höher priorisiert werden als andere Anwendungen, die keine Relevanz für die Straßenverkehrssicherheit haben. Eine minimal verfügbare Datenrate und eine maximale Latenz sollen für jedes Fahrzeug kontinuierlich gewährleistet werden.
- Um alle Fahrzeuge in einer Region schnell mit Daten versorgen zu können – und aus Effizienzgründen –, müssen Broadcast-Dienste (z.B. eMBMS) implementiert und ebenfalls priorisiert werden können.

Die Umsetzung dieser Anforderungen muss grenzüberschreitend mindestens europaweit und über die verschiedenen Mobilfunknetze und Anbieter auf Basis einheitlicher, interoperabler Technologien gewährleistet werden.

Weitere der Sicherheit dienende Anwendungen wie Vehicle-to-Vehicle-Kommunikation können zusätzliche Anforderungen haben.

Regelungen der EU-Verordnung und Umsetzungsalternativen

Grundsätzlich sieht die verabschiedete EU-Verordnung zwei Möglichkeiten vor, um die oben genannten Anforderungen umzusetzen: Verkehrsmanagement und Spezialdienste.

Verkehrsmanagement

Die für Anwendungen der Straßenverkehrssicherheit relevanten Anforderungen können als Teil eines allgemeinen Zugangs zum offenen Internet durch ein aktives Verkehrsmanagement adressiert werden. Ein solches Vorgehen ist durch die EU-Verordnung gedeckt (vgl. Artikel 3, (3), Unterabsatz 2 und Unterabsatz 3 Buchstabe c). Hierbei würde ein Verkehrsmanagement erst dann einsetzen, wenn die Bereitstellung der erforderlichen minimalen Datenrate und maximalen Latenz für die vernetzten Fahrerassistenzsysteme gefährdet wäre.

Kritiker des Verkehrsmanagements befürchten eine intransparente und willkürliche Klassifizierung des Datenverkehrs durch den Netzbetreiber – ohne Einfluss durch den Nutzer. Dieser Befürchtung ist entgegenzuwirken, indem die Klassifikation durch den Mobilfunkvertrag oder durch die Datenquellen vorbestimmt wird, z.B. durch UE-Capability/Class-Aushandlung bei der Anmeldung des Terminals im Mobilfunknetz oder idealerweise durch entsprechende Markierung der Datenpakete (z.B. ähnlich Differentiated Services Code Point, DSCP). Die gewählte Methode muss dabei im Einklang mit internationalen Standards, möglichst wenig komplex und global anwendbar sein.

Die Verkehrsarten müssen standardisiert sein: Datenverkehre von vernetzten Fahrerassistenzsystemen und automatisierten Fahrzeugen müssen unabhängig von

Automobilhersteller gleichen Verkehrsarten zugeordnet und somit gleich behandelt werden. Beispielsweise bietet die bereits existierende LTE-Spezifikation Priorisierungsmechanismen basierend auf standardisierten Datenverkehr-Kategorien an.

Die Leitlinien sind so zu fassen, dass ein aktives Verkehrsmanagement mit dem Ziel der Dienstgütesicherung für vernetzte Fahrerassistenzsysteme explizit als zulässig angesehen wird.

Spezialdienste

Eine zweite Möglichkeit, die oben genannten Anforderungen zu erfüllen, wird in der EU-Verordnung durch Artikel 3, (5) ermöglicht. So dürfen Dienste, welche keine Internetzugangsdienste sind, unter bestimmten, engen Voraussetzungen zusätzlich, aber ohne nachteilige Wirkung auf die allgemeinen Internetzugangsdienste angeboten werden.

Während dieser Weg grundsätzlich zur Erfüllung der Anforderungen von Anwendungen der Straßenverkehrssicherheit geeignet sein kann, ergeben sich praktische Hinderungsgründe. So würde dieser Weg bei enger Interpretation der EU-Verordnung bedeuten, dass explizit zusätzliche Netzwerk- und Mobilfunkkapazitäten aufgebaut werden müssen, die nur den Spezialdiensten zur Verfügung stehen. Denn würden diese Kapazitäten dynamisch auch für den allgemeinen Internetzugang eingesetzt, könnte eine zeitweise Verschlechterung des allgemeinen Internetzugangs bei intensiver Nutzung der Spezialdienste nicht ausgeschlossen werden.

Eine solche Trennung würde nicht nur zu einer ineffizienteren Auslastung der knappen Ressource Frequenzspektrum führen, sondern die Kosten für das Angebot von Spezialdiensten in die Höhe treiben. Im Falle der vernetzten Fahrerassistenzsysteme müssten dann flächendeckend diese zusätzlichen Kapazitäten aufgebaut und für den Worst-Case dimensioniert werden, ohne dass Multiplexgewinne mit anderen Diensten einbezogen werden könnten. Es erscheint schwierig, die hierfür notwendigen zusätzlichen Investitionen Betrieb zu refinanzieren. So dürfen beispielsweise die genannten Gefahrenwarnungen nicht durch kostenintensive Zusatzpakete angeboten werden.

Auch im Falle der Spezialdienste ist es erforderlich, dass diese unabhängig vom Mobilfunknetzbetreiber und international einheitlich zur Verfügung stehen. Datenverkehre von vernetzten Fahrerassistenzsysteme und automatisierte Fahrzeugen müssen unabhängig vom Automobilhersteller denselben Spezialdiensten zugeordnet und somit gleich behandelt werden. Die Leitlinien sind so zu fassen, dass Spezialdienste für vernetzte Fahrerassistenzsysteme wirtschaftlich, flächendeckend und standardisiert aufgebaut werden können.

Fazit

Durch die nächste Generation von vernetzten Fahrerassistenzsystemen und das automatisierte Fahren können (Verkehrs-) Sicherheit und Effizienz deutlich gesteigert werden. Damit wird ein signifikanter gesamtgesellschaftlicher Nutzen ermöglicht. Dies gilt generell und branchenübergreifend für Machine-to-Machine-Anwendungen im Internet der Dinge, welche zur Steigerung der Sicherheit (Safety), Gesundheit und Nachhaltigkeit wirken.

Dieser Nutzen lässt sich aber nur realisieren, wenn die in diesem Zusammenhang relevanten Datenverkehre auch in Situationen von Kapazitätsengpässen im Mobilfunk- oder Weitverkehrsnetz zuverlässig transportiert werden. Dazu muss der Netzbetreiber entsprechende Maßnahmen treffen können.

Die BEREC-Leitlinien sollten diese Entwicklung zum Internet der Dinge im Allgemeinen und zum vernetzten und automatisierten Fahrzeug im Speziellen und den aus Sicherheitsanwendungen resultierenden gesamtgesellschaftlichen Nutzen berücksichtigen. Dazu sind geeignete Freiräume für rechtskonforme und wirtschaftlich realisierbare Dienstgütegarantien für entsprechende Datenverkehre zu schaffen. Um grenzüberschreitende Mobilität zu ermöglichen, muss dieser Weg international einheitlich umsetzbar sein.

Mit freundlichem Gruß / Kind Regards,

Rainer Krumrein

Manager

Connectivity Modules 2 & Architecture

Vehicle Connectivity & CarIT Security (RD/UCC)

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If you are not the addressee, please inform us immediately that you have received this e-mail by mistake, and delete it. We thank you for your support.

From: [Dario Utente](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Dario Cangialosi for "Save the Internet"
Date: 30 June 2016 19:32:54

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dario Cangialosi

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
no

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
no interference

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
yes

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in

Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of

the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Jose Manuel Jiménez Islas](mailto:Jose.Manuel.Jimenez-Islas)
To: NN-Consultation
Cc: jmjimenezislas@gmail.com
Subject: Demanding strong Net Neutrality protections for Europe
Date: 29 June 2016 12:59:11

Source: http://berec.europa.eu/eng/net/public_consultation/

From Spain, 29/06/2016.

Dear Sir / Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[ZR#1v2]

“Zero-rating” is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC’s mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the “consistent application of this Regulation” by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word “other” before “end-users” in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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Kind regards,

Jose Manuel Jiménez Islas
C/ Jara Carrillo, nº1, esc.5, 2ºE
30500 Molina de Segura (Spain)
Tel.: 606 80 38 12
jmjimenezislas@gmail.com

From: [Brock Samson](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Don't Brexit internet neutrality
Date: 02 July 2016 11:01:25

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Simon Farina NHS

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Phil](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Don't Kill the Internet please
Date: 30 June 2016 02:02:08

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view? "Commercial practices" = screwing the users for every last penny you can squeeze out of them, in my opinion.

There is little user demand for such sharp practices amongst users to my knowledge

My name/organisation:
Philip Dempsey

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Using phrases like "socialised services" to justify refusing or slowing access to other "internet access" services seems to me to be merely an excuse in order to first establish a two (or three or more) tier internet, in order to later justify throttling various different types of traffic - If there are speed problems with certain kind of services then the answer is to improve the infrastructure rather than to punish users of other types of internet services such as basic internet access. The idea that someone rich enough to afford automobile internet access can therefore be prioritised over all other types of traffic is abhorrent to me. What about the rights of internet users who cannot afford automobiles with Internet access? Why should those rich enough to afford such access be allowed to hog all the bandwidth to the detriment of others? Throwing "E-Health" into the mix just muddies the waters. Health-care providers should, if they want instant and fast internet access, be forced to invest in the infrastructure to achieve that, rather than punishing users who do not require such services - certainly the technology exists right now to provide fast access for all - just make the Health Care companies pay to provide it - they are commercial companies and can certainly afford it.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
not to my knowledge - but even if there is it would merely privilege the wealthier sections of society especially in the case of connected cars.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Innovators are usually operating on a shoestring budget - forcing them to take a "slow lane" would certainly stifle interest in their innovations.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
absolutely - the companies would charge more and more for every byte of info as the

parctise becomes more widespread.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

I'm sure most of them already do - but I do not think they should - using "traffic management " as an excuse seems to be the current method used to justify "screwing the little guy"

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
not atall - people who pay the same have the same rights - how they choose to excersize them should be up to them. It is up to the ISP to invest in better infrastructure.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Again, if bandwidth is a problem then ISPs need to invest. This is something they are very reluctant to do because they seem to want "free money" for doing little.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

I do not accept the phrase ""reasonable" traffic management measures" as valid

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

traffic management, commercial practices would cause me to view an ISP very negatively

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised

services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Sebastian Binneboessel](mailto:Sebastian.Binneboessel@consultation.savetheinternet.eu)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Don't restrict The Accessibility of the Internet
Date: 16 June 2016 11:38:39

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Sebastian Binnebösel

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Linda Tally](#)
To: [NN-Consultation](#)
Subject: Draft guidelines for Netzneutralität
Date: 10 June 2016 20:47:41

Dear Sir / Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Is there no - or little - demand for specialised services.

The ISP should not be allowed to monitor your traffic, including its content (e.g. through deep packet inspection) for the purpose of traffic management.

No ISP should be able to interfere with my connection for any reason. Ever.

Information on speed I would like to have, and traffic management maybe. The QUALITY of service is what I get to decide.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

The diversity and innovative capacity of the Internet ecosystem is built upon the low cost of innovation and low barriers to market entry. These principles ensure that from day one, every enterprise, startup or non-commercial service – no matter how small or well funded – has the potential to reach a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy is only ensured by an open, neutral and non-discriminatory Internet. When ISPs are allowed to interfere with the decisions of their customers by economic or technical discrimination, this essential freedom is lost. According to Recital 1 of the Regulation on net neutrality, the legislation has to be interpreted in light of these goals.

The Regulation allows specialised services only under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This cannot be the case with services that can also function on the open, best effort Internet. Furthermore, Recital 16 prevents specialised services from being used as circumvention of the general net neutrality traffic management rules. Any deviation from these safeguards to widen the applicability of the concept of specialised services would inevitably result in increased market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Economic discrimination (zero rating) interferes with my right under Article 3(1) to access and, in particular, to distribute information freely. When an ISP discriminates between providers of content, applications and services via an Internet access service by making them unequally accessible, this constitutes an arbitrary interference in the essence of my right. Furthermore, this practice restricts my rights under the Charter of Fundamental Rights (Articles 11, 15(2), and 16). Therefore, economic discrimination must not be allowed under the BEREC guidelines.

When ISPs are allowed to charge for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, to encourage their customers to increasingly use specialised services. This effect will be detrimental for minorities, disadvantaged people and startups that cannot afford special access to all networks in which they may want to reach customers, and the development of the free, open and innovative Internet ecosystem.

The Regulation has very clear rules on what constitutes reasonable traffic management. According to Article 3(3), all traffic management should be done in an application agnostic way, if possible. Class-based traffic management harms competition; it risks unintended damage to specific applications; it can discriminate against encrypted traffic; it creates uncertainty for content application and service providers; it stifles innovation; it can harm individual users, and can create regulatory overload. Therefore, applying class-based

traffic management in situations where application agnostic traffic management would suffice is neither necessary, proportionate, transparent for the user, nor non-discriminatory.

**Regards,
Linda Tally**

From: [Matthias](#)
To: [NN-Consultation](#)
Subject: draft of BEREC Guidelines
Date: 16 July 2016 08:15:31

Dear Sir or Madam,

please do not touch net neutrality in any form. We have to keep the Internet as democratic as possible to sustain its innovative power and give individuals the chance to professionally succeed. Please do not pass an anti-start-up guideline.

Best regards,
Matthias Althoff

--

Matthias Althoff, Assistant Professor
Cyber-Physical Systems Group
Department of Computer Science
Technische Universität München
phone: +49-89-289-18134
www: <http://www6.in.tum.de/Main/Althoff>

From: [You notme](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu; [Allen Smit](#)
Subject: EEC 1942 DECEPTION STRATEGY INTERFERING FAR FAR TOO MUCH INEVERYTHING. Seriously need blocking and curbing !
Date: 06 July 2016 11:37:07

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view? Do not understand properly: But sounds like some sort of CON !

My name/organisation:

I do not agree at all with anything the EEC 1942 deception strategy does at all. They are an illegal entity and should be disbanded in its present dictatorial form ! Reverting back to simply EFTA Free trading which is all we voted for! All Brainwashing using NLP through "Common Purpose" should cease and all current Graduates be "De Programmed from promoting and supporting the German lead EEC 1942 dictatorship !" All legal powers should be stripped from the EEC !

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

All ISP's should be committed to being open and honest. Agreed but are you joking LOL LOL LOL

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Completely new and separate ISP services could be implemented without effecting current status.

Thus not effecting current systems.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Positive: Less weight / traffic on the General ISP services

Negative: A separate but not secret ISP service, "Secret" which would be against the public interests, so access should be to all !

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Do not understand fully, cannot comment.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

That is simply an excuse for the implementation of "Big Brother" New World Order Bilderberger one world government, interference.

Is illegal and should under no circumstances be allowed.

Further more the terms and conditions for APPS etc. is entirely unacceptable, in that "they"

have more access to your personal data than you have ### WRONG WRONG WRONG IN EVERY RESPECT ! ### The fact no one reads terms and conditions is no excuse at all !!!

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
None whatsoever

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Reducing how people communicate freely hence influencing things like Brexit ! Which did happen to some degree but obviously failed "Praise God"

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

Can they restrict communications between certain bodies groups or the like. I have noticed only recently Google search has become much less accurate with "random" results totally unrelated like the 'old' searches used to be ! There is obviously restrictive practice happening there already !

What information would you like to receive about the speed of your Internet connection? Speed now is not so important as how switching between servers is managed ! ASK TALK TALK who have recently adjusted there sytem on my recomendations to extremely good effect !

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
Should not be needed people do not read "STUFF" as mentioned above

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Marina Filippa](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: email
Date: 15 June 2016 20:16:50

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

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by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: ich@vhso.de
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: End of Net Neutrality
Date: 27 June 2016 19:47:25

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Vitus Hösl

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to

“guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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Kind regards,
A concerned citizen

From: [Jeri Iversen](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Ensuring a Free, Open, and Innovative Internet
Date: 18 June 2016 17:41:54

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

Absolutely not.

My name/organisation:

Jeri Iversen

Do you think that commercial practices could limit your rights as an end user? Could you provide examples? They could limit the rights of an end user.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Such an invasion of privacy should not be allowed for that purpose.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Prioritizing should not be allowed in any circumstances. One should be able to connect without surveillance or management by any ISP.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

How could it not be?

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Any and all activities that might impinge upon any internet connection should be transparent or better yet, disallowed, except in the case of unavoidable technical glitches.

What information would you like to receive about the speed of your Internet connection?

All that is measurable.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

A contract must be understood by all who enter into it in its entirety, or else cannot be deemed legal. A definition of all parameters is necessary in any contract.

[NN#1v2]

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[TM#1v2v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Christopher Rest](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Equality for everyone on the net
Date: 14 July 2016 22:03:47

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Christopher Rest

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Kind regards,

A concerned citizen

From: [Patrick Noel](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Eu Internet /BEREC net neutrality
Date: 25 June 2016 00:20:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
pat Noel

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Steve Smith](#)
To: [NN-Consultation](#)
Subject: eu net neutrality
Date: 25 June 2016 19:53:52

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

pass - not sure I understand zero-rating

My name/organisation:
Steve Smith

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
none

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
no

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

I can't think of any advantages.

But I can think of plenty of disadvantages of ISPs selling priority to advertisers etc to slow us normal users down even more

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes - the obvious one is advertising, but restricting our access to a slow lane to allow for more streaming of movies, tv etc are others. This will be particularly bad for customers who are already suffering from not having access to fast fibre internet due to their location

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

no there are inherent security risks to people's messages which should be safe from ISP monitoring. Fine if they are passing this information onto security or police forces as required by law & court approval, but not for general use. The use of things like DPI will then result in this information being sold on to other customers for their use

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

ISPs should potentially be able to prioritise your online traffic to prioritise one over the other within your router. But they should not be able to prioritise one customer against another

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

yes

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

reasonable is being able to prioritise MY traffic video vs email etc

Unreasonable is MY traffic over others as I will pay more

What information would you like to receive about the speed of your Internet connection?

I know the speed of my internet

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

There should be penalty payments to customers when there is disruption. So maybe 1 hr of down time in a month allowed after that. Then further disruption should result in credits in the next bill.

Same of loss of packets, latency problems if this causes end user problems

[NN#1v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [António Mendes Silva](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: EU Network neutrality rules consultation
Date: 15 July 2016 21:21:49

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Antonio Silva

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

In my opinion there are no such things as "specialized" or "optimised" services. The Internet infrastructure has evolved enormously in the last 25 years, and is currently able to support services that would be considered "specialized"/"optimized"/"impossible to implement on the internet" not long ago. The internet will continue to evolve and make possible all the "specialized"/"optimized" services, and the current "regular" services will also benefit from that evolution

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

I believe there's a demand for services such as e-health or connected cars, but these can and should be offered over the regular internet, not as a specialized service.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

The positive impacts are that they *might* speed innovation a little bit (a little bit) and be offered a little bit earlier than otherwise.

The negative impacts are that innovation can cease for the current "regular" services, and these won't be sharing the same improvements that would be offered on specialized services.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No. There are a lot of good arguments for this, but ultimately, this is an intrusion on the liberty of individuals, so it should be forbidden.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

It shouldn't, apart from limiting the amount i consume on a monthly basis.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation

from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far

too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Bogdan Zurac](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: European Net Neutrality Feedback
Date: 05 July 2016 10:47:11

Hello,

I'm writing this email regarding the BEREC net neutrality guidelines. Please take these comments seriously into consideration.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

* This is pure bollocks. Absolutely any service **can** and **should** be provided as part of the base Internet Access Services. If the ISP infrastructure cannot handle stable and reliable transfer of data for these **special** types of services, then how can they handle normal use case services? Their infrastructure is to blame if that is the case, this isn't an argument for providing better access to **special** services at all. Have them improve their infrastructure or go out of business, not try to rip off their customers more.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

* No, see above answer.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

* The major negative impact will be that ISPs will absolutely tend to rip off their customers for those specific **special** services. They will also probably negatively impact the network parameters for the base IAS.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

* There shouldn't be any demand for zero-rating, because landline internet (fiber optic, broadband, etc.) **already is** and **always should be** unlimited for any type of content. Even wireless internet (3G, 4G, etc.) is almost at the verge of becoming unlimited, so this whole discussion is pointless. Everything should be unlimited, no matter the content provided or the infrastructure type. Again, if the ISP infrastructure can't handle it in 2016, they should go out of business.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

* Pointless question, see above.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

* No, traffic should be anonymous. In case of legal issues, the government may issue warrants for surveillance, for obvious reasons. But apart from that, no, ISPs shouldn't interfere with monitoring or altering of the user's content online.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

* Absolutely none whatsoever. All traffic should have the same priority regardless of content type or size.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

* Yes, I would feel that my use of services would be violated. Like I wrote above: All traffic should have the same priority regardless of content type or size.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

* Again, *none* whatsoever. No traffic management.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

* Because traffic management and commercial practices such as zero-rating should be illegal, the only piece of information that would differentiate ISPs between one another would be technical parameters and infrastructure.

What information would you like to receive about the speed of your Internet connection?

* I would be interested in knowing both the minimum and the maximum speed provided. I should be able to immediately terminate the contract if the speed drops under the minimum specified for a fair period of time.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

* I would be highly interested in knowing the SLA (99.99% or whatnot) they offer. SLAs should be written on every ISP contract in bold text. I would also like to know the average latency and jitter for national destinations (1-10ms) as well as European destinations (30-60ms). Packet loss should be 0-1% at all times. If packet loss is consistently above 1-5% for a fair period of time and is not resolved, I should be able to terminate the contract immediately due to poor service.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification

to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and

should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders

transparency.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat these comments confidentially and don't publish them.

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Best regards,
Bogdan Zurac

CEO & Head of Software Development,
MobiGo Software
Mobile: +40 727 808 626
Email: bogdan.zurac@gmail.com
Website: www.mobigosoft.com

From: [Heike](#)
To: [NN-Consultation](#)
Subject: European Net Neutrality Rules
Date: 15 July 2016 20:37:05

English:

Love BEREC,

I believe this is the net neutrality indispensable. Without it, any telecommunication providers could do with its clients to blackmail.

This must not allow The BEREC! Europe is there for those citizens and not for lobbyists and corporations.

This applies to beware it.

Best regards,

Heike Flierl

Shepherd Garden 15

D-66453 Gersheim

germany

German:

Liebe GEREK,

ich bin der Ansicht das die Netzneutralität unverzichtbar ist. Ohne sie könnte jeder Telekommunikationsanbieter seine Kunden erpressen könnte.

Das darf Die BEREC nicht zulassen! Europa ist für die Bürger da und nicht für Lobbyisten und Konzerne.

Dies gilt es zu bewahren.

Mit freundlichen Grüßen,

Heike Flierl

Hirtengarten 15

D-66453 Gersheim

Germany

From: [Justus Bierich](#)
To: [NN-Consultation](#)
Subject: European Net Neutrality
Date: 16 July 2016 17:13:12

Please restrict all influence of industry or governments on net neutrality as strong as possible.

Thanks.

Justus Bierich
50968 Köln

From: thevenomrex@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services are meant to destroy competition on the Internet
Date: 13 July 2016 00:25:05

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jakob Dalgaard

From: raristy1@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 14:14:40

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Raul Aristy

From: jovengandalf@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 19:55:33

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gabriel Tolosa

From: feberling06@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 03 July 2016 23:13:46

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards.

Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service.

This would not be the case with services that could also function on the open, best-effort Internet.

Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules.

Any deviation from these safeguards that would widen the applicability of the concept of specialised services, would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Felicia Eberling

From: delfi300@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 20 June 2016 13:41:59

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Vito Malacic

From: sp_9062-h.3@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 20 June 2016 02:40:42

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gordon Parker III

From: witchsue11@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 19 June 2016 19:09:02

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sue Horwood

From: g.heestermans@home.nl
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 19 June 2016 13:05:30

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gea Heestermans

From: leithrogers@optusnet.com.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 19 June 2016 09:02:34

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Leith Rogers

From: priscilla@toddsec.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 19 June 2016 05:26:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Priscilla Todd

From: hanalilic@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 19 June 2016 03:37:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Hana Lilic

From: equidadcedem@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 19 June 2016 00:43:55

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Teresa Valdes

From: yunusmohamed@telkomsa.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 22:52:37

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Yunus Mohamed

From: mtmoleda@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 19:52:39

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mark Ashworth

From: robertsolanovic@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 18:58:33

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Robert Solanovic

From: novijgod@yahoo.dk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:14:47

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Aleksandr Sorokin

From: thorsteinn.arnarson@lyse.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 03 July 2016 23:11:36

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Thorsteinn Arnarson

From: monique@mdontje.nl
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 11:18:43

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Monique Dontje

From: johnandjeanfleming@msn.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 17:22:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

John AND Jean Fleming

From: robinjgardner@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 15:17:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

robin gardner

From: ladiabla333@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 10:35:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Michelle Pavcovich

From: f.paz@cox.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 08:47:30

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Frances Paz

From: sue_jackson@optusnet.com.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 07:48:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sue Jackson

From: liamcguire@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 06:37:59

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

William Mc Guire

From: mike_klausing@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 06 July 2016 01:49:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Michael Klausing

From: ptroyano@cox.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 06:09:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Paul Troyano

From: barbara808@flash.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 05:52:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Barbara Sullivan

From: dgarya@telus.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 05:22:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gary Anderson

From: mobillos58@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 03 July 2016 17:07:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

steffen witttrup

From: otvee@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 04:27:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

ordell vee

From: pippa.kirchmann@alumni.exeter.ac.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 11:16:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Pippa Kirchmann

From: marilynshepherd@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 04:00:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Marilyn Shepherd

From: charles@professionaldrivingconsultancy.com.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 03:21:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Charles Lowe

From: patrick.hesselmann@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 03:00:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes or to grant certain content providers with exemptions from data caps motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Patrick Hesselmann

From: acole@inet.net.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 02:30:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ann Cole

From: kdela68401@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 19:43:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Charles Delaney

From: john@glaisyer.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 01:40:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

From: nermie83@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 01:06:38

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Erma Lowe

From: orcawolf@cablespeed.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 00:37:09

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

joyce robinson

From: minhgiang.pho@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 18 June 2016 00:15:02

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

minhgiang pho

From: ericranvig@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 03 July 2016 03:27:57

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Eric Ranvig

From: jorgcarvalheira@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 23:58:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Armando Carvalheira

From: wjs621@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 23:54:55

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Walter Schmitt

From: pnwillisn@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 July 2016 08:25:07

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Peter Nicholas

From: torbensn@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 09:51:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Torben Skov

From: moe9bean8@wideopenwest.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 23:34:14

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sarah Sercombe

From: kenhales115@msn.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 July 2016 13:01:37

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ken Hales

From: meindert@debollies.nl
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 23:27:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

M Bolhuis

From: hakan_anderberg@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 23:03:42

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Håkan Anderberg

From: jama@pt.lu
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 22:49:22

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jacques Mathgen

From: jerome.lep@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 22:49:09

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jerome Leboeuf

From: kate_barnhart@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 22:37:52

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Kate Barnhart

From: siorac99@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 July 2016 21:14:20

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Peter T.

From: bebar50@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 22:19:02

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

barbara schlitz

From: silverkbh@sbcglobal.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 22:04:09

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

In short, there is a conflict of making the internet just another money making scheme, or helping it to be a truly effective and creative communication tool for people everywhere. The vast majority of people want the latter, and ask your help in achieving that goal.

Sincerely,

Kevin Hickman

From: jen56blue@yahoo.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 21:34:37

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

jen R

From: femmekatz@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 21:34:00

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Kathe Garbrick

From: pirgit.palmiste@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 14 July 2016 12:33:13

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

P. P.

From: momsblues@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 09:23:19

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Julie McCarthy

From: jahurwitzhome@cs.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 21:33:49

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jeffrey Hurwitz

From: christophermale@rocketmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 21:26:33

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Christopher Male

From: etoile90230@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 21:24:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Amber Tidwell

From: rstuder@optonline.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 21:07:32

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Maria Studer

From: stickwork@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 20:59:07

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Eric Meyer

From: fuzgar@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 23:23:37

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gary Grice

From: cecilm@cecilmcgregor.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 20:58:42

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Cecil McGregor

From: devon@ukfsn.org
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 20:52:34

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Devon Jones

From: s.j.kelleher@yahoo.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 20:44:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sean Kelleher

From: germaname@msn.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 19:41:53

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Robert Kemper

From: rh24@cornell.edu
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 20:43:08

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Rehana Huq

From: erin@erinlibby.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 20:43:07

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Erin Libby

From: pakru@hotmail.com.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 08:37:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Paulus Kruijer

From: ndburrows@verizon.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 20:27:32

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

natalie burrows

From: richardssusan@mac.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 20:25:26

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Susan Richards

From: davemult@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 20:16:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

David S. Nichols

From: nick.lord@t-online.de
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 19:50:53

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Nick Lord

From: fraser_sav@yahoo.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 19:23:47

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Fraser Savage

From: jani.monoses@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 11:46:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jani Monoses

From: possibly_clever@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 11:46:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jeff Hoffman

From: ramonald@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 19:28:58

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ramona Draeger

From: cfxena888@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 06:43:15

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Cheryl Fergeson

From: oldcodger1@att.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 04:22:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

John Estes

From: janisa@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 17 June 2016 00:27:42

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jani Saari

From: m.chutney@utanet.at
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 21:31:32

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Martin Lobgesang

From: vlad.nifcss@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 07:42:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Valdemars Petersons

From: redsing@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 19:36:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Please ensure that the net is user friendly for all, even those with limited resources, and that it is open and without restrictions. thank you so much.

Sincerely,

Betsy Taylor

From: movses.hakobyan@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 18:49:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Movses Hakobyan

From: ammossi@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 16:45:35

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ansgar Sakariassen

From: francisco@wwiluminar.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 16:26:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

FRANSCICO ORTIZ

From: deadmailone@yahoo.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 13:29:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Leon Pegg

From: rjosnook@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 19:11:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Richard Snook

From: bobbytheburner@charter.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 09:57:53

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Robert Fingerman

From: spellerjane@yahoo.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 09:02:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jane Speller

From: westhills9@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 08:21:28

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Bernie Gonzales

From: ericranvig@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 07:50:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Eric Ranvig

From: murdock_ls@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 06:55:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Lauren Murdock

From: vgiannell5@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 06:13:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Vincent Giannell

From: crayolafrenchfry@att.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 05:59:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Carolyn Soling

From: johnmoszyk48@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 04:43:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

John Moszyk

From: umainard@iinet.net.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 04:21:32

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ursula Mainard

From: chrisriff@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 14:39:26

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Christopher Riff

From: jeklein64@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 18:28:24

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

James Klein

From: ansmoker@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 03:59:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Art Smoker

From: jkm.malis@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 03:38:52

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jon Malis

From: layalah45@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 02:54:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Louise Friedenson

From: wayland.smith@bopenworld.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 02:11:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Liam Smith

From: sce9590@verizon.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 02:03:03

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Kathleen Eaton

From: jmvolpe@sbcglobal.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 01:49:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

alfino borneo

From: natassija_watson@yahoo.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 01:29:26

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Natassija Watson

From: ccc.in5@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 01:04:54

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Cathe Cornello

From: beverley.mcvilly@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 04:37:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Beverley McVilly

From: nihipalim001@hawaii.rr.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 01:04:16

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Michele Nihipali

From: zana.sob@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 14 July 2016 19:44:56

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Zuzana Sobeslavska

From: afping3@charter.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 18:25:33

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Alva Pingel

From: celestehong@earthlink.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 11:41:59

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

From: podiomasaigh@yahoo.com.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 01:02:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Peter Dempsey

From: dwolflycan@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 00:44:59

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

David L McGee III

From: stargatekathy@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 June 2016 00:03:05

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Kathy Jones

From: pachef@frontiernet.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 23:36:39

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Pat Chefalo

From: chewitt@sunflower.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 23:14:33

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Cheryl Hewitt

From: eroylittle@icloud.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 22:52:32

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Roy Little

From: deborah993@cox.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 22:33:06

BEREC Regulators

TAKE NOTE..I AGREE WITH THE FOLLOWING....

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

DEBORAH SMITH

From: irmgard.brunner@aon.at
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 22:21:23

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Irmgard Brunner

From: coolast87@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 22:09:18

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Astrid Giese-Zimmer

From: mark.mckennon@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 18:10:16

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. I for one am less certain that this is primarily about fast-lane or innovation than it is about more telecom control: for money, for information access, for public empowerment.

Sincerely,

Mark McKennon

From: margoli2000@yahoo.com.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 01:40:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

margaret martin

From: dbech@bellsouth.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 11:38:30

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

lynette bech

From: sandracurrie@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 21:53:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sandra Currie

From: blondshrm@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 21:53:39

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Hilda Smith

From: m1da5@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 21:20:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Miguel Dias

From: srikanth.raghunathan@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 21:04:53

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Srikanth Raghunathan

From: marciavandyck@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 20:47:48

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Marcia Van Dyck

From: ual777amt@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 20:30:13

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

David Hoium

From: lindajillyan@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 20:14:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Linda Owen

From: tigerr111@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 20:00:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Marion Galletti

From: randalldaugherty@sbcglobal.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 18:06:07

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Randall Daugherty

From: serosner@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 19:59:08

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

S R

From: haydn.huntley@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 19:44:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Haydn Huntley

From: andre.matos.mendonca@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:06:12

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

André Mendonça

From: tliebe@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 10:47:44

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Timothy Liebe

From: moominmaria@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 00:43:13

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Maria Sola

From: fkarlson@frontier.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 19:35:55

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

fred karlson

From: gforce1@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 19:32:04

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gordon Gerbitz

From: larianartist@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 19:10:49

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

From: melvin-taylor@usa.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 19:06:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Melvin Taylor

From: misshuganah@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 18:53:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Debra Gleason

From: ioan.ciotina@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 July 2016 21:32:55

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ioan Ciotina

From: silverpil@live.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 18:51:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Greger Olsson

From: jullien.alain@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 18:33:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Alain JULLIEN

From: dmidbon@compasshousingalliance.org
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 18:22:06

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

d midbon

From: aylantisioi@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 18:06:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

mercy myers

From: edwin@inawasiro.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 10:46:56

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Edwin Powell

From: romuss@bigpond.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 18:02:50

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Hermann Romuss

From: mgh102@iowatelecom.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 00:28:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Michael H

From: james.cameron10@ntlworld.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 17:52:46

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

JAMES CAMERON

From: bigtoys70@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 17:52:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

David Maceira

From: karl.koessel@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 17:52:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Karl Koessel

From: castora67@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 17:54:19

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Anny Wiedemann

From: shall@pietystreet.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 17:39:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Shawn Hall

From: morgan.cl@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 17:35:40

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Morgan Clark

From: creyn92@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 17:35:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Robert Reynolds

From: thorsteinn.arnarson@lyse.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 17:22:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Thorsteinn Arnarson

From: tiago.b.m.d@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 17:18:44

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Tiago Gomes

From: sami.1147@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 09:34:10

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sami Nassar

From: femmekatz@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 17:15:48

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Kathe Garbrick

From: jniksic450989279@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 17:00:12

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

joyce niksic

From: gsmurphy15@msn.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 00:25:02

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Garrett Murphy

From: alan@papskun.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 16:52:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Alan Papskun

From: gabe315@verizon.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 17:38:57

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gabriel Abate

From: muchcatfur@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 16:40:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

The Internet has become so wildly successful because of a relative lack of restrictions. Don't fiddle with a successful formula.

Sincerely,

Dean Sigler

From: barbara808@flash.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 16:32:06

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Barbara Sullivan

From: ahengst1@new.rr.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 16:23:59

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Joyce Frohn

From: lhancock@usw.org
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 16:15:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Lynne Hancock

From: dbw49@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 16:02:45

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

DONALD WATSON

From: info@michaellegion.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 16:01:18

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Michael Ellegion

From: candiphantom@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 07:39:43

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Candace LaPorte

From: niraj@sabbaghoman.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:54:43

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Niraj Ramaiya

From: jurraveel@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:50:21

BEREC Regulators

There is a great danger that allowing fast-lane services will slow down the Internet and weaken its potential for innovation. Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower.

The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules.

Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Peter Godbold

From: hollypetitt@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:47:59

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Holly Petitt

From: nes@iki.fi
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 17:29:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Topi Linkala

From: edwin@inawasiro.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 July 2016 04:36:40

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Edwin Powell

From: cdehaas1@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 23:38:52

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Carla deHaas

From: albertmah@iinet.net.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:47:04

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Albert Mah

From: mr.adamsvoboda@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:46:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Adam Svoboda

From: cavalary1684@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:40:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Lucian-Robert Negut

From: joelstuart@rcn.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:28:36

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Joel Stuart

From: nhanson48@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:27:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Natalie Hanson

From: pp8660@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 July 2016 21:06:05

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

jan janssen

From: alexandra_matzk@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:19:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Alexandra Matskin

From: svancau@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:15:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sebastien Van Cauwenberghe

From: serrhini@mail.ru
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 14 July 2016 04:10:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

serrhini Mohamed

From: madega@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:03:45

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

M Garrett

From: fwilsey@verizon.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:03:27

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Frank Wilsey

From: acapobia1@verizon.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 15:03:19

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Anthony Capobianco

From: jeffreygunn@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 23:14:09

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jeffrey Gunn

From: amycrowe@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 14:51:53

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Amy Crowe

From: fjhidalgojr@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 14:36:40

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Floyd Jr

From: sonichedgehog_hyperblast00@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 14:36:18

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Filipescu Mircea Alexandru

From: 2dogs1guy@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 14:26:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

From: jpstolten@frontier.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 06:39:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

John and Martha Stoltenberg

From: gerdamjadwesch@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 14:20:26

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gerda Mjadwesch

From: geormastorakis@yahoo.gr
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 17:20:24

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

George Mastorakis

From: r.salafi@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 14:13:09

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

R Salafi

From: tomflem@sympatico.ca
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 14:12:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Tom Flemming

From: ahanson47@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 14:03:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Art Hanson

From: d.askew1@ntlworld.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 13:49:06

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

David John Askew

From: pom_heaven@yahoo.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 13:37:52

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

pom heaven

From: ric@brinydeep.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 22:46:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ric Bernat

From: luceksarah1992@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 13:37:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sarah Lucek

From: hovitos@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 13:37:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sinan Olgun

From: younis.ahmed@ipb.org
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 13:23:52

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Younis Ahmed

From: otvee@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 05:50:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

ordell vee

From: edith.tydeman@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 17:10:27

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Edith Tydeman

From: john.airs@btinternet.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 13:21:00

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

John Airs

From: inpc.kev@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 13:11:56

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Another point i am concerned about is the possible introduction of a 'Link Tax'. This could prove to be as disastrous as implementing a ban on being able to photograph, for free, any and all objects of interest (which vary greatly, depending on the photographer) whether on holiday or just ambling around your home town and district.

i'm sorry to say that in the main, people who decide what others can and cant do normally have no interest in what the general public are allowed to do and totally interested in what can be 'locked up' for the benefit of a single person or a company or industry, simply to enable them to make money for doing nothing! i do hope that this will prove not to be the case here.

Sincerely,

Kevin Clarke

From: spencer_adams@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 13:11:24

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

SPENCER ADAMS

From: aharlib@earthlink.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 13:10:22

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Amy Harlib

From: pumpeq@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 13:04:55

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Lukasz Smoluga

From: rodneyh768@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 12:47:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Hyacinth Rodney

From: mike@musicadd.fsnet.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 12:45:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mike Wheeler

From: macnadoodle@orange.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 22:32:30

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mac McDonald

From: whaletooth123@hotmail.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 12:36:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Geoff Freed

From: ggouveia53@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 12:27:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

gail gouveia

From: imsaet@online.no
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 21:55:14

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Liv Sandberg

From: jim.nelson53@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 17:10:17

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

james nelson

From: ahanson47@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 05:04:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Art Hanson

From: roger@rodborough.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 12:26:19

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Roger Plenty

From: sepp.pohl@online.de
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 12:20:07

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Josef Pohl

From: kroitus@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 12:19:10

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Vytautas Butenas

From: causes@nicholastaddeo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 12:18:52

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Nicholas Taddeo

From: huseyintolu@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 12:11:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Hüseyin Tolu

From: giraldiwanda@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 12:11:13

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Wanda Giraldi

From: erik.olink@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 12:11:13

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Erik Olink

From: paul@creativeantics.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 12:01:19

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Paul Antico

From: tslubin@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 21:34:05

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

T. Lubin

From: laceyhicks@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 16:59:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Lacey Hicks

From: otvee@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:58:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

ordell vee

From: glassyeyed4@charter.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 03:56:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Roscoe Jackson

From: wara8777@yahoo.com.mx
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:48:07

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Juan Manuel Lopez Davila

From: kontakt@artfranke-berlin.de
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:38:26

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Angela Franke

From: const@ssu.samara.ru
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:31:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Constantin Charkovsky

From: pphoelich@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:28:00

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Phillip Phoelich

From: debakker.d@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:26:36

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Dave de Bakker

From: mitchbligh@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:26:24

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mitch Bligh

From: r.schell@casema.nl
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:25:47

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ralph Schell

From: d.branda@texthelp.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:23:54

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Daci Brânda

From: daddy ruchir@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 16:43:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ruchir Vora

From: dgendvil@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:21:52

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. Thanks!

Sincerely,
Derek Gendvil
Las Vegas

Sincerely,

Derek Gendvil

From: ohbee@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 20:42:40

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Tim O'Brien

From: adamkaplan@cox.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 01:57:29

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

adam kaplan

From: ucyojpe@live.ucl.ac.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:20:56

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Josh Petzoldt

From: aeronmiles@yahoo.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:19:26

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Aeron Miles

From: ridz1.ismail@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:19:18

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ridzwan Ismail

From: 15c40557@opayq.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:17:57

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Dirk Kok

From: d.roberts327@btinternet.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:17:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

David Roberts

From: qc@acerola.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:14:58

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mr S Hicks

From: danycretu22@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:14:56

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Cretu Daniel

From: ddickerson72@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 16:31:13

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

David Dickerson

From: 3kurisutofu2@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:14:33

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Christoph Schoenbeck

From: mimu_mc@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:11:06

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Samu Kankaanpaa

From: a_peery@aol.nl
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:09:52

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

A. Peery

From: mail@ulrikeulrich.ch
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:05:10

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ulrike Ulrich

From: lorraine.d.johnson@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 00:54:30

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Lorraine D. Johnson

From: lcdx@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 19:48:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

loic devaux

From: gary.slee@classicslee.com.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:09:27

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gary Slee

From: sgberg@pacbell.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:09:23

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Stephen Greenberg

From: macronneken@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:09:10

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Etienne Ferket

From: laetitiabermejo@yahoo.es
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:08:18

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Leti Bermejo

From: lishchris@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 05 July 2016 19:23:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Christopher Lish

From: wschweitzer@henrich.de
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:05:56

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Willy Schweitzer

From: nparthenis@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:04:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Nicholas Parthenis

From: docampo.angel@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 June 2016 11:04:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Angel Docampo

From: polderong@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 19:37:52

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Fernando Araya Ramírez

From: theseagoat@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 19:29:12

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Janyz Kuznier

From: tomas.klimanskis@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 02 July 2016 00:13:55

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Tomas Klimanskis

From: tim@clarexplanations.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 19:12:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Timothy Nobles

From: gervasion@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 July 2016 03:17:53

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

José Gervásio Neto

From: alicesrestaurantm@bellsouth.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 18:54:50

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Joseph McPherson

From: davis.p.chris@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 18:30:56

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Chris Davis

From: bryan.a.bennett@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 16:30:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Bryan Bennett

From: hugo@hugo.cat
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 18:29:30

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Hugo Ballesteros

From: mimi.stevens@verizon.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 18:29:30

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Marian Stevens

From: PRobertson123@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 18:13:12

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Patrick Robertson

From: johnmcummins@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 18:12:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

John Cummins

From: dorben13@redshift.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 18:08:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

DOROTHY BENSON

From: sorinstrugariu@att.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 17:41:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sorin Strugariu

From: mindandbody@optonline.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 23:22:07

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Yvonne Pratt

From: 40kwashacked@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 17:41:08

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

The internet knows no borders, so any ruling anywhere in the world can have an effect far beyond the jurisdiction in question. A law passed in the US can affect the internet in the EU, and vice-versa.

Sincerely,

Sean McCartin

From: estbartlett@elizajan.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 17:40:44

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Elizabeth Bartlett

From: darianzamdesign@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 July 2016 02:13:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Darian Zam

From: pghjas@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 16:30:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

James Stephenson

From: burana_400@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 17:19:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mikael Laine

From: egorin@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 16:58:25

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Thank you.

Sincerely,

Eugene Gorrin

From: pbalfour@vl.videotron.ca
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 16:52:32

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Patricia Balfour

From: claygoddess541@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 16:48:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jane Chischilly

From: mearstar@verizon.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 16:48:06

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Arnold Levi

From: sander.hollebrand@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 16:31:06

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sander Hollebrand

From: juanignacio@winguweb.org
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 16:08:25

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Juan Ignacio Lacueva

From: renee_klein@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 22:54:40

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

renee klein

From: ponysrat@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 15:47:10

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Wendy Harper

From: jimblea@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 15:40:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

James Lea

From: bucher-sebastian@web.de
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 16:21:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sebastian Bucher

From: frosnite@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 15:22:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Pierre Hayeur

From: yappygrl@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 July 2016 01:17:14

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sandra Fujita

From: nemecuf@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 14:55:08

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Lukas Nemeč

From: vikemosabe@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 14:27:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Abraham Westfall

From: janne.timmers@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 13:53:32

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

janne timmers

From: jib3nl@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 13:31:54

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Dennis Geldhof

From: mr.a.jolly@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 13:31:14

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Alex Jolly

From: asg@genetics.wayne.edu
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 13:30:59

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Anton-Scott Goustin

From: brancocgn@web.de
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 22:53:39

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Patrick Kumpa

From: Gabrielthornton@guicreative.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 13:30:56

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gabriel Thornton

From: gui.faria.cardoso@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 16:20:23

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Guilherme Cardoso

From: setsuna_mizu@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 13:24:04

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

wendy

From: joe@joetrueman.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 13:24:03

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Joe Trueman

From: reedrodger@contactoffice.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 13:11:50

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Rodger Reed

From: watsonh1956@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 July 2016 23:14:45

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Harold Watson

From: unternehmer@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 12:56:54

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Aaron Spurlock

From: cassandramckerron@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 12:43:50

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Cassie McKerron

From: flux@inbox.lt
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 12:43:29

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

From: gsw233@msn.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 12:29:08

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

George White

From: simon@hacknix.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 12:11:07

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Simon A

From: mrwhiskers@fmtcs.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 July 2016 20:51:47

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

James Sliney

From: sand2469@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 14 July 2016 01:11:36

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Rick Russell

From: andr.mikw@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 12:00:14

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Andrzej Mikolajewski

From: pioneergrc@netscape.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 12:00:06

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Manolis Pratsinakis

From: christian.berner@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:39:24

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

christian berner

From: banja2002@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:38:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ben Duncan

From: ronurbon@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:38:50

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ron Urbon

From: srautine@pacbell.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 July 2016 22:53:00

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Susan Rautine

From: katiedobson1@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:38:26

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. Net neutrality is important to me as an active user some people even make a career out of person internet use do not take the many opportunities away from people

Sincerely, katie dobson

Katie Dobson

From: accessnow@lowlightimages.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:32:12

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

We already have enough problems with print media being used to further nefarious political ends. Weakening Net Neutrality would potentially allow the same thing to happen to the WWW: those with deep pockets getting their messages through whilst poorer opponents cannot get theirs through. This would seriously damage democracy in the EU and so should not be tolerated.

Sincerely,

Dave Harris

From: Lu_woodhouse@yahoo.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:28:07

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Lucy Woodhouse

From: udo@vibe.ac
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:26:47

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Udo Rader

From: ronibt@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 21:34:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ron Teninty

From: jonathan.moulton@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 16:07:17

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jonathan Moulton

From: erik_hermansson@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 21:59:32

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Erik Hermansson

From: terrybar@sctelco.net.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:18:00

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Terry Barratt

From: sirpom@internode.on.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:17:36

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Barb Mason

From: ktneumann@live.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:17:13

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Katie

From: r.g.broeke@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:17:07

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ronald Broeke

From: emilbak89@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:17:06

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Emil Bak

From: csralls1@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:14:47

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Cynthia Ralls

From: redlaese@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 July 2016 14:52:54

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Simon Sander

From: cdcampbl@roadrunner.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 21:40:56

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Dudley and Candace Campbell

From: crstof@sapo.pt
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 20:56:05

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

antonio cristovao

From: simen.de.lange@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 16:00:45

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Simen de Lange

From: brianmanden@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 20:32:59

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Brian Andersen

From: fede.baeza@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:05:03

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Fede Baeza Pastor

From: kaatan3@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 20:32:23

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Kim Hurk

From: hhryah@mac.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 20:18:40

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Elizabeth SP

From: ivden-1@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 20:03:40

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Phil Grenetz

From: belthmonding@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 19:27:30

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Germán Guzmán

From: mrd39fr@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 19:20:54

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Thomas Des Jardins

From: serendipitycat@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 19:20:26

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Cathy Brownlee

From: imammahdi28@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 July 2016 20:38:13

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

IMAM MAHDI

From: devon@ukfsn.org
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 19:11:05

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Devon Jones

From: sunbirdfnq@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 15:53:28

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Julie Lehmann

From: genehlawson@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 18:43:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gene Lawson

From: mikeeeisen@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 18:29:34

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Michael Eisenberg

From: reg@njo.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:04:39

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Wolfgang Maehr

From: psripley42@cruzio.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 18:14:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Paul Ripley

From: klara_musse@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 18:00:58

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Annamåd Klara Hjortaas

From: jsethdavis@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 17:38:10

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

John Davis

From: mariusita@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 17:30:33

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mariu Suarez

From: corrinnehoffman@att.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 17:30:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Corrinne

From: julie@julieellison.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 17:24:52

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Julie Ellison

From: bdejasu@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 17:19:10

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Barry De Jasu

From: canbowring@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 15:36:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Candy Bowman

From: acshen09@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 July 2016 20:37:35

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

a shen

From: sitkoo@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 17:19:02

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Lubos Krnac

From: gbrock_dca@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 17:17:02

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gail Brock

From: aodonnell@oxfam.org.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:04:19

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Amy O'Donnell

From: karenbateman4@hotmail.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 17:14:04

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

karen bateman

From: h-auzins@t-online.de
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 17:13:58

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Helen Auzins

From: brendat21@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 17:06:45

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Brenda Troup

From: d.roberts327@btinternet.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 17:06:44

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

David Roberts

From: thor17@seznam.cz
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 15:26:23

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Michal Kramoliš

From: jniendorf@cs.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 01 July 2016 05:23:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

John Niendorf

From: rhl@lyespride.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 15:26:35

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Robert Lyle

From: faerycrescent@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 30 June 2016 12:37:06

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Rudelle Oosthuysen

From: jniendorf@cs.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 30 June 2016 08:22:10

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

John Niendorf

From: Natalia.Rozsa@gmx.de
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 July 2016 17:38:42

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Natália RÓZSA

From: creggmccullin@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 30 June 2016 00:03:55

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mr. and Mrs. Cregg MCCULLIN

From: phantomoftheopera@seznam.cz
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 12 July 2016 11:04:08

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

František Barták

From: doc19509@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 20:44:29

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Dennis Monson

From: alonemrinal@rediffmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 16:02:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mrinal Buddekar

From: christoffer.mansfield@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 14:47:17

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Christoffer Mansfield

From: olliecat60@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 11:25:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Christine Tindall

From: rucha_h@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 10:47:25

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Rucha Harde

From: loubaxter@optusnet.com.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 05 July 2016 16:23:50

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Lou Baxter

From: toptnc@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 09:43:35

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Fernando Sancho

From: suesmith@live.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 08:12:02

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sue Smith

From: ch.seiffert@windowslive.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 08:11:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Christoph Seiffert

From: bonnierj@bigpond.net.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 06:30:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Bonnie Cassen

From: darossa@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 July 2016 05:21:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Leonardo Carmo

From: seanfran1@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 09 July 2016 21:38:50

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sean Franulic

From: enlim@optusnet.com.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 05:56:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Rae Milne

From: silviahall@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 04:56:41

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

silvia hall

From: bconsbruck@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 04:23:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Barbara Consbruck

From: wiji.darkie@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 03:00:35

BEREC Regulators

Dear Madam/Sir,

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

I am looking forward to hear the good news from you.

Thank you!

Sincerely,

Valentina Sri Wijiyati

From: kdcreate@bearmeadow.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 15:26:32

BEREC Regulators

Leave a legacy of open journalism and free-flowing public access. Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Katherine Denison

From: emoons@msn.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 00:53:58

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Eric Vance

From: laptoplani@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 29 June 2016 00:04:25

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Lani Hink

From: thegazzy1@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 23:28:28

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

gary joseph

From: d0895133@opayq.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 22:44:39

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Deirdre Balaam

From: urvi@motivps.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 22:04:53

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Urvi Nagrani

From: jerry521@centurytel.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 21:56:22

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Joyce Hansen

From: mike@musicadd.fsnet.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 16 July 2016 13:44:32

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mike Wheeler

From: andrea_chitouras@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 14:54:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Andrea Chitouras

From: m_g_de_waal@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 14:41:20

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Maarten De Waal

From: purplecart1@outlook.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 14:27:49

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mary Madden

From: jankimbrough@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 21:06:16

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jan Kimbrough

From: michaelb958@riseup.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 14:26:35

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Michael Burkitt

From: larisa.landre@gmx.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 18:17:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Larisa Landré

From: whitejd@bellsouth.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 14:15:25

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Diane White

From: svendrinkewitz@web.de
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 14:15:24

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sven Drinkewitz

From: gigi500@msn.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 14:06:32

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Greta Gustafson

From: jooquan@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 13:56:59

BEREC Regulators

First of all, thank you for ensuring the internet is fair to everyone and not easily manipulated by ISP with selfish intention. Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

JooGuan Ooi

From: oldcodger1@att.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 05 July 2016 00:26:12

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

John Estes

From: blasfemoinferral@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 13:51:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sergio Ferreira

From: atomtengeralattjaro@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 13:40:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jakab Ubul

From: toudahl@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 13:38:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Morten Toudahl

From: bfloyd4445@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 20:44:53

BEREC Regulators

reclassify the internet back to the way it was in per 1999years when we had the best internet in the world

Sincerely,

Britt Floyd

From: ainslee_testa@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 13:37:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ainslee Testa

From: hanspaas@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 12:51:25

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Hans Paas

From: fstop1.4@suddenlink.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 12:51:05

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Tony Loera

From: schrupp@mac.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 18:17:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Lynne Schrupp

From: adrian.mcsquare@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 12:39:12

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Adrian Warburton

From: aero-king@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 12:29:28

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ricky Leong

From: mark_streten@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 12:17:15

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mark Streten

From: mnortie@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 04 July 2016 15:46:27

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Mlou Christ

From: zaantar@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 12:11:07

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jan Štetina

From: stu@stumaclean.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 12:01:35

BEREC Regulators

Regarding:

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Stu Maclean

From: rtkm@comcast.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 20:35:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Kathy Carroll

From: moliugelis21@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:54:38

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Tomas M.

From: loungedown@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:48:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Pieter Offringa

From: tue_2@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:35:45

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Klaus Tue Madsen

From: nbosneac@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:34:46

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Nick Bosneac

From: jean.stansfield1@ntlworld.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:34:00

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jean Stansfield

From: k.d.robinson@bigpond.com.au
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 16:54:37

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

KEN ROBINSON

From: marveldnb@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:33:45

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Uw Bakkes

From: colincarr99@yahoo.co.uk
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:24:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Colin Carr

From: tierrarucker@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 04 July 2016 08:58:11

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Tierra Rucker

From: teenmedia@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:23:49

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ian Sherman

From: Culpit@OvertActs.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 20:18:46

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Victor Vuyas

From: krissa13@inbox.lv
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:23:33

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Krišjanis Valters

From: chrisfid@ihug.co.nz
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:23:21

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

christopher fidoe

From: shantigent@yahoo.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:22:44

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

shanti dupont

From: maronenjouko@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:13:14

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jouko Maronen

From: rmorte@arcor.de
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:12:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ricardo Morte Ferrer

From: j.odgaard@bigpond.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:12:43

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

judith odgaard

From: onreflexion@me.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:08:28

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Peter Freeman

From: elepmar@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 14:45:16

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

E P Martin

From: acshen09@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:07:24

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

a shen

From: sicco@ddo.nl
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 04 July 2016 02:04:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Sicco van Sas

From: dotbruce2@netscape.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 20:04:39

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Dorothy Bruce

From: frobisherg@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:07:16

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Gareth Frobisher

From: jjjoya@gmx.net
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:07:13

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Iliana Veltcheva

From: frank.ryan@ul.ie
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:06:53

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Frank Ryan

From: heliuski@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 28 June 2016 11:03:51

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Helia Relañó

From: Fbardes@orange.fr
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 24 June 2016 23:15:01

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Francoise Bardes

From: no_fear_02@hotmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 23 June 2016 10:31:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

strovliotis

From: swimbails@aol.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 22 June 2016 09:46:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Jean Bails

From: geografoproenca@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 21 June 2016 13:42:16

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Ricardo Proença

From: wes@arts4change.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 21 June 2016 03:02:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

David Chester

From: mariusfodor@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 13 July 2016 13:08:25

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Marius Fodor

From: cynthiarichard@me.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 15 July 2016 22:26:29

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Cynthia ann larson Richard

From: cfxena888@gmail.com
To: [NN-Consultation](#)
Subject: Fast-lane services slow down the Internet
Date: 07 July 2016 07:47:31

BEREC Regulators

Allowing ISPs to charge for fast-lanes motivates them to make the rest of the Internet slower. The EU Regulation on Net Neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

Sincerely,

Cheryl Fergeson

From: [Jean-Michel Ycre](mailto:Jean-Michel.Ycre)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Feedback about net neutrality
Date: 03 July 2016 16:46:25

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Of course there is a demand for zero-rating practices from the end users' point of view. Who would not like being able to watch as much netflix content on one's device as possible?
But from social and environmental points of view, it enhances negative externalities and the risk of a wrong allocation of rare resources (energy, ...).
So it would be better to forbid it.

My name/organisation:
Jean-Michel Ycre

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
yes, there is.
Internet traffic could be optimised according to the nature of information transmitted.
For instance, the data of a video of a surgery act done at a distance by a surgeon should have top priority over of a movie.
The ISPs should not be given the possibility to choose which data is priority.
It is a matter of human rights and should be treated at a top international level (UNESCO, UNICEF, ...)

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
yes, it is quite normal that providers follow how and how much their customers are using the service that they provide.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
The ISP should not be able to interfere at all.
An independent authority might be allowed to interfere for the sake of more important matters (e-health data, education data...)

What information would you like to receive about the speed of your Internet connection?
The price of the connection should be closely related by contract terms to the actual speed of the internet connection.
It is not admissible that providers can offer commercial promises of speeds "up to 1 Gb/s", when the reality is largely below the commercial promises.
Clients should be provided with information about the quality of service provided and penalties should be paid if the quality do not match the commercial promises.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end

users? Should these parameters be defined in the contract? If so, how?

Yes they should be defined in the contract.

The question is rather to define how they should be monitored, so that clients can follow if the quality of service is correctly delivered.

One could imagine that providers send a monthly report giving some stats about the parameters of the connection (top and low values, average value during use time).

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services

cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating

infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Jean-Michel Ycre

From: [Ralf Krüdewagen](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Feedback on net neutrality guidelines creation
Date: 16 July 2016 10:36:22
Attachments: [signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
Specialized service have a negative impact on which software can or even must be used to use these services. Proprietary interfaces and close-source software could be required. Usage of standards and open source software might be hindered.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
No, this should be not allowed.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
On a very low level. And it must always be transparently documented for the end-user which policies are active.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Oh, yes.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

I have to know

- that I can use any network hardware (router, modem) to connect to the ISP
- that I can offer internet services myself on my home server
- that services I offer are not limited to certain ports or content

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses

guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Ralf Krüedewagen | Tel. +49-2104-33532

Am Herrenhaus 32 | <http://www.kruedewagen.de>

40822 Mettmann | <mailto:ralf@kruedewagen.de>

CAcert Root-CA: <http://www.cacert.org/certs/class3.crt>

PGP Public-Key: <http://www.kruedewagen.de/kontakt/gpg.html>

From: [红尘笑我](#)
To: [NN-Consultation](#)
Subject: Fight for Net Neutrality
Date: 26 June 2016 09:37:21

Hi kindly,

As the topic says, it's a bedrock for internet freedom. I can't tolerate the unfair.

From the beginning, freedom is one of goals of internet. Now someone who want money attempt to miss the goal. I feel badly.

I can't lost freedom, we can't.

Best regards
Peng Liu

From: [Waldemar](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: for equal rights and freedom
Date: 26 June 2016 22:49:04

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Anonymus

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Thomas Schmeller](#)
To: [NN-Consultation](#)
Subject: for free internet
Date: 15 July 2016 20:06:30

Dear Ladies & Sirs

I'm an inhabitant of Europe and I want to have a free and independent internet, in the tradition of a democratic, free, equal and independent society, which is not controlled by a few major companies.

With best regards

Thomas Schmeller
Brunngasse 14
97907 Hasloch

From: [Markus Adam](#)
To: [NN-Consultation](#)
Subject: For the net neutrality and no to zero ratings
Date: 15 July 2016 01:06:28

Dear Consultation team,

TL;DR: I implore you to state in the regulation that the use of zero rating is not allowed.

Zero rating and similar instruments of traffic control is a blatant try to generate money from additional sources. The cost of operating a network consist of the cost for the hardware and the electricity to run it; how much data is flowing there is irrelevant! The side effect of such a traffic regulation will have a **massive** impact on the daily life and cutting user rights and free access to any data.

Permitting zero rating in any form will lock any end-user to his ISP's preferred service with increasing data volume. And since the data traffic is increasing exponentially, this will exclude end-user who are not able to pay the higher tariffs.

Any zero rating or traffic control will be used to hinder the ISP's competition on that certain service it is applied to. The end-user will be locked into the ISP's services and has to be technically experienced or financially capable of leaving this ""bubble" behind. Or, e.g. new services/companys with very high data volume requirements will be unable to be used by customers unless extra-fees will be paid. Which will be nigh to impossible for start-ups or non-commercial purposes.

And regarding the threat of stopping investments on 5G-infrastructure by several big TelCos; this may delay 5G a bit but we will get there in the end. And it would be a good idea to seperate the infrastructure from the ISP as it was done with the railway company or the electric grid.

With best regards,

Markus Adam

From: [ahaupt](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: For true Net neutrality Fuck G5
Date: 15 July 2016 00:58:46

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Andreas Haupt andreas.haupt@mail-buero.de
Göttingen Deutschland

Personal message: I will open my Wlan as soon as it is sure that my Government(Germany) was not lying about "Störerhaftung" been srapped. That should help when G5 takes longer to accomplish when you will not pamper the cellphone companys with weakening net neutrality.

The following is automatically generated, Iclicked all questions "yes"

[NN#1v2]

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Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are

commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”.. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The

draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Reiner Jonas](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: free and neutral Internet
Date: 16 June 2016 19:12:44

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Reiner Jonas
Essen , Germany

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised

services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Bernd Blumenberg](#)
To: [NN-Consultation](#)
Subject: Free Internet
Date: 16 July 2016 17:42:41

Don't split the Internet in different classes.
You have to ensure a free internet for all parties.

Regards
Bernd Blumenberg

From: [the_offspring](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Free Internet
Date: 18 June 2016 11:35:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Adrian Coleasa

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Manuel López](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Free Net
Date: 25 June 2016 11:00:03

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Manuel López Souto

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Jens Kaeding](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Free the internet, please
Date: 30 June 2016 22:33:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

Internet itself should be "non-commercial". We don't pay for basic mathematics. It's part of our cultural being. Zero-rating just puts a veil on internet traffic. The last possible chance to be equal: cash or broke.

My name/organisation:
Jens Kaeding

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet? Free access to all internet services should be treated like any other human right should be.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
No matter. Free internet services for everyone.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
Free internet enables everyone to contribute to our development. There should be no "payable" special services.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
Yes. Commercial practices limit my rights: The internet should be the backbone of our culture. Not another way to make profit. Example: Advertisements slow down my PC, while I'm just searching the best physician to treat my disease!

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
No. Not for commercial issues or for legal issues.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
In no way. I pay for internet access. Not for regulating it. There are no priorities.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

No limitations should be applied. Slow servers might provide the best service.

What would you consider to be "reasonable" traffic management measures?
How can "unreasonable" traffic management measures affect you as a user?
Please, provide examples.

Just slow down "spam". If there's no more unnecessary traffic, the resources will be sufficient.

Why can't the internet be free of advertisement. Cash for pop-ups is wrong.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Any information. Every bit of information on my online behavior is my concern.

What information would you like to receive about the speed of your Internet connection?

Answer time, real download rate / speed.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Every user should pay for the real download / upload traffic, not for what they might be able to..

The more traffic, the more cash.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential

treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate

implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article

3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen and hopeful individual.

Diese E-Mail wurde von Avast Antivirus-Software auf Viren geprüft.
<https://www.avast.com/antivirus>

From: [Don D](#)
To: [NN-Consultation](#)
Subject: Freedom for all. I don't need 5G!
Date: 16 July 2016 10:49:23

Von meinem Samsung Galaxy Smartphone gesendet.

From: [Günter Hagen](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: freedom in networking
Date: 16 July 2016 15:55:09

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?
commercial demand may be but not bearable

My name/organisation:
Günter Hagen

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
none

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
no

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
discrimination, cutting consumer rights

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
yes

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
no

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by

the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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Kind regards,
A concerned citizen

From: [Lennard Chiller](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Freedom of Will and Kommunikation
Date: 14 July 2016 11:48:42

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Leonard Schiller

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Deborah Walters](#)
Subject: from Walters's Wife, Deborah writing from my sick bed
Date: 07 July 2016 18:43:26

from Walters's Wife, Deborah writing from my sick bed

This is Walters's wife, Deborah. I am writing this message to you today because of my Love for the less privileged. As a fellow faithful person like you, it is my desire and enthusiasm to donate amount of \$19.1 million in your hands for a charity project, which will benefit the less privilege. Kindly reply for more detail;
Best Regards and remain bless.

Mrs. Deborah Walters

From: [Sebastian Lorenz](#)
To: [NN-Consultation](#)
Subject: Für Netzneutralität
Date: 16 July 2016 07:38:24

Liebe EU, bitte versucht nicht mit alten Mitteln in der neuen Welt Geschäft zu generieren, sondern über Innovationen. Da fällt der deutschen Telekom und dem Bund als Teilhaber offensichtlich leider nicht viel mehr ein, außer Gesetzesänderungen zu initiieren oder zu beeinflussen. Was übrigens echt schade und eine ungenutzte Chance ist. Die Netzneutralität muss dringend erhalten werden.

Freundliche Grüße

Sebastian

From: [stuart froment](#)
To: [NN-Consultation](#)
Subject: Future of the internet
Date: 16 July 2016 16:04:22

Every user of the internet should have equal access, with no priority being given for specific purposes. This could disadvantage users who do not use those services, and adversely affect their service speeds. ISPs should provide average speeds over one month.

Thank you.

Stuart Froment

From: [Anibal Damiao](#)
To: [NN-Consultation](#)
Subject: Fwd: ANIBAL DAMIAO - Salvem a internet - [XEO115329304:115328525]
Date: 15 July 2016 13:28:19

Caros Srs

A neutralidade da internet é fundamental. Não a vendam às telcos, que irão prejudicar todos os que não possam pagar o que eles desejam. Inovação acontece com liberalização de oportunidades, não constrangimento de acesso.

Como pessoa confio em vós para defenderem os nossos direitos e como empresa o nosso direito a inovar e criar emprego.

--

Anibal Damiao
CEO

findaCARGO.com | NemLevering.dk

On Fri, Jul 15, 2016 at 11:31 AM,
wrote:

- > Thank you for filing your comment to BEREC on savetheinternet.eu!
- >
- > We have until July 18th to get as many comments as possible in support of
- > net neutrality, or the EU will give ISPs the power to privilege some sites
- > and slow down others - destroying the basic principle that makes the
- > Internet so amazing.
- >
- > Can you invite your friends to file comments?
- >
- > Click here to share the action on Facebook: <http://bitly.com/sti-fb>
- >
- > Click here to share it on Twitter: <http://bitly.com/sti-tw>
- >
- > Or, if you like, simply forward this email to your friends and ask them to
- > visit www.SaveTheInternet.eu to learn more and make their voice heard.
- >
- > If you live in the EU, here's one more thing: send a nice, personal note
- > in your own language to your country's regulator, explaining why they
- > should support the strongest possible net-neutrality rules. Here is there
- > contact info:
- >
- > Austria: rtr@rtr.at
- > Belgium: info@bipt.be
- > Bulgaria: info@crc.bg
- > Croatia: KMU@hakom.hr

- > Cyprus: info@ocepr.org.cy
- > Czech Republic: podatelna@ctu.cz
- > Denmark: erst@erst.dk
- > Estonia: info@konkurentsiamet.ee
- > Finland: info@ficora.fi
- > France: Consommateurs@arcep.fr
- > Germany: info@bnetza.de
- > Greece: info@eet.gr
- > Hungary: info@nmhh.hu
- > Ireland: info@comreg.ie
- > Italy: info@agcom.it
- > Latvia: sprk@sprk.gov.lv
- > Lithuania: rrt@rrt.lt
- > Luxembourg: info@ilr.lu
- > Malta: info@mca.org.mt
- > Poland: uke@uke.gov.pl
- > Portugal: info@anacom.pt
- > Romania: international@ancom.org.ro
- > Slovak Republic: roman.vavro@teleoff.gov.sk
- > Slovenia: info.box@akos-rs.si
- > Spain: prensa@cnmc.es
- > Sweden: pts@pts.se
- > The Netherlands: info@acm.nl
- > United Kingdom: contact@ofcom.org.uk
- > BEREC: berec@berec.europa.eu; berecoffice@berec.europa.eu
- >
- > You can find more information to get active in our Dashboard for
- > activists: <http://bitly.com/sti-dashboard>
- >
- > Thank you!
- > Sincerely, the whole SaveTheInternet.eu team.

Para responder a esta mensagem, inclua, por favor, no texto ou no assunto da sua mensagem a(s) seguinte(s) referências:
[XEO115329304:115328525]

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Anibal Damiao
CEO



T: [+45 50 67 40 86](tel:+4550674086)
findaCARGO.com | NemLevering.dk

From: [Gardner Gould](#)
To: [NN-Consultation](#)
Subject: Fwd: Fwd: Questionnaire Submission - Save The Internet
Date: 10 June 2016 19:50:31

#the bellow message advised I forward my comments on to this email address...

Dear Sir / Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Is there a demand for “commercial practices” such as zero-rating? Could these limit your rights as an end-user? Please provide examples.

I want a internet full of diverse independent voices/sites/truffles that can discuss dissent and form consensus (or not) independently.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

the internet could look like cable television, and become a blunt single use tool.

Should the ISP be allowed to monitor your traffic, including its content (e.g. through deep packet inspection) for the purpose of traffic management?

just maintain the pipes...

How much should your ISP be able to interfere with your Internet connection - for example to throttling or prioritise certain types of online traffic (video, P2P, etc)?

when you're using a larger bandwidth than you're paying for.

What information would you like to receive about your Internet connection, such as its speed, quality of service or how your traffic is managed?

be open with me. Send me the info.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

The diversity and innovative capacity of the Internet ecosystem is built upon the low cost of innovation and low barriers to market entry. These principles ensure that from day one, every enterprise, startup or non-commercial service – no matter how small or well funded – has the potential to reach a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy is only ensured by an open, neutral and non-discriminatory Internet. When ISPs are allowed to interfere with the decisions of their customers by economic or technical discrimination, this essential freedom is lost. According to Recital 1 of the Regulation on net neutrality, the legislation has to be interpreted in light of these goals.

The Regulation allows specialised services only under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This cannot be the case with services that can also function on the open, best effort Internet. Furthermore, Recital 16 prevents specialised services from being used as circumvention of the general net neutrality traffic management rules. Any deviation from these safeguards to widen the applicability of the concept of specialised services would inevitably result in increased market entry barriers

and thus weaken the innovative potential of the Internet as a whole.

The Regulation has very clear rules on what constitutes reasonable traffic management. According to Article 3(3), all traffic management should be done in an application agnostic way, if possible. Class-based traffic management harms competition; it risks unintended damage to specific applications; it can discriminate against encrypted traffic; it creates uncertainty for content application and service providers; it stifles innovation; it can harm individual users, and can create regulatory overload. Therefore, applying class-based traffic management in situations where application agnostic traffic management would suffice is neither necessary, proportionate, transparent for the user, nor non-discriminatory.

When ISPs are allowed to charge for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, to encourage their customers to increasingly use specialised services. This effect will be detrimental for minorities, disadvantaged people and startups that cannot afford special access to all networks in which they may want to reach customers, and the development of the free, open and innovative Internet ecosystem.

Economic discrimination (zero rating) interferes with my right under Article 3(1) to access and, in particular, to distribute information freely. When an ISP discriminates between providers of content, applications and services via an Internet access service by making them unequally accessible, this constitutes an arbitrary interference in the essence of my right. Furthermore, this practice restricts my rights under the Charter of Fundamental Rights (Articles 11, 15(2), and 16). Therefore, economic discrimination must not be allowed under the BEREC guidelines.

Kind regards,
Gardner / LA

----- Forwarded message -----

From: **Netzneutralität** <nn@rtr.at>
Date: Thu, Jun 9, 2016 at 7:02 PM
Subject: RE: Fwd: Questionnaire Submission - Save The Internet
To: gardnerg@gmail.com

Dear Madam or Sir,

Please note that BEREC is now inviting comments from all citizens and stakeholders on the draft guidelines.

If you would like to comment on the draft guidelines, you can do so till July 18th by sending your consultation response to NN-Consultation@bereg.europa.eu.

For further information and news about net neutrality please visit our website: <https://www.rtr.at/netneutrality>
This website is also available in German: <https://www.rtr.at/nn>

Best regards

your RTR Team

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Netzneutralität
Rundfunk und Telekom Regulierungs-GmbH (RTR-GmbH)
Austrian Regulatory Authority for Broadcasting and Telecommunications
Mariahilfer Straße 77-79, 1060 Wien, Austria
tel: [+43 1 58058 0](tel:+431580580) | fax: [+43 1 58058 9191](tel:+431580589191)
mailto:netztest@rtr.at | <http://www.rtr.at/>
FN/ Reg. No.: 208312t HG Wien/ Vienna CC

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Gardner Gould | c: 978 886 3595 | gardnerg@gmail.com

Editorial - "The Edge of Seventeen"

From: [Prof. Dr. Emanuel H. Burkhardt](#)
To: [NN-Consultation](#)
Subject: Gegen Sonderrechte zur Sicherung der Netzneutralität
Date: 16 July 2016 11:23:50
Attachments: [PM_05_Anlage_Netzneutralitaet.pdf](#)
[Netzneutralität EU.pdf](#)

Sehr geehrte Damen und Herren,

mit großer Besorgnis verfolge ich die Lobbyarbeit bestimmter Netzanbieter mit dem Ziel kostenpflichtige Sonderdienste zu etablieren, wodurch die Netzneutralität ausgehöhlt wird.

Als Mitglied des Medienrats der Landesanstalt für Kommunikation Baden-Württemberg, Deutschland, und Vorsitzender des Ausschusses Medienkonvergenz und Digitale Gesellschaft des Medienrats hatte ich schon zu den Beratungen im EU-Parlament mit Sorge Stellung bezogen. Auch hat sich der Medienrat der Landesanstalt für Kommunikation in einer Resolution (siehe Anlage) für die Netzneutralität und gegen Sonderdienste ausgesprochen.

Ich schließe mich daher den Bedenken gegen den Entwurf der Richtlinie in vollem Umfang an und darf hierzu auf die beigefügte Stellungnahme verweisen. Ich appelliere an die BEREK, Sonderdienste nur für absolute Ausnahmesituationen zuzulassen.

Mit freundlichen Grüßen
Emanuel H. Burkhardt

Prof. Dr. Emanuel H. Burkhardt
Alexanderstr. 85
70182 Stuttgart
Tel. 0711 / 28 41 810

From: [Albrecht Kasper](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Good Governance for the Internet !
Date: 15 July 2016 06:59:32

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Today, the internet is just as real as the material world. It is public space and allmende. We know it is a powerful and sensitive resource that has to be used and ruled in the public interest to be productive.

It is absolutely vital for the future of our European model of democracy and freedom that rule of law, free speech, and public space are provided and protected by the government against all vested interest. It does not matter whether it is individual or corporate, spiritual or commercial.

Provider want to become modern landlords while we need them as stewards and caretakers in the public interest and under public control.

Commercial practice is a useful and effective option for private commercial partners. It is not an option for good governance. Exclusive or privileged cooperation f.e. can enable lower transaction cost for consumer and producer. Even in private business, there is always a risk to create closed shops and windfall profits which block innovation and effective solutions. For public goods and services it can serve as a benchmark but may not be installed as a ruling principle.

ISP should be free to prioritise or discriminate against certain products or services only if there is a competitive and accessible market for ISP on the provider-side and on the consumer-side.

My name/organisation:
Albrecht Kasper

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

Albrecht Kasper
Op'n Klint 36
22880 Wedel
T [04103-1872559](tel:04103-1872559)
M [0152-33786495](tel:0152-33786495)
albrecht.kasper@online.de

From: [Gábor Kálmánczhelyi](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Guideline suggestions
Date: 16 July 2016 17:25:05

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Kálmánczhelyi Gábor

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
No, and it would harm the users' privacy in worrisome ways.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
They should not be able to do it any way.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes.

What information would you like to receive about the speed of your Internet connection?
The maximum and minimum speed of uploading and downloading, and what could interfere with it.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised

services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the

structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Vincenzo Settembre](mailto:Vincenzo.Settembre)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: guidelines creation into consideration
Date: 19 June 2016 15:11:12

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Zero-rating could be a form of censorship applied arbitrarily by the ISP on the contents of internet.

Furthermore, could force the utents of internet to suffer contents, that they don't require.

My name/organisation:
Vincenzo Settembre

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

I think that mustn't be services required for the people, who surfing on the web.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

I don't know.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

These services can limit the possibility of the companies to reach the buyers, controlled by ISPs

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes, sure. For example, you can't access to Internet if you don't visualize a content.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

I think that the ISP shouldn't visualize the content of the traffic, but this content must be available only to authorities. For example, in case of crimes, and never for commercial purposes.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

The ISP shouldn't interfere with my internet connection.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

My freedom surely can be limited by ISPs discriminated between online content.

What would you consider to be "reasonable" traffic management measures? How can

"unreasonable" traffic management measures affect you as a user? Please, provide examples.

The traffic management measures can be reasonable only if these measures are equally distributed on all the contents. They don't have to create contents of league A and league B.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

ISP doesn't provide information of how work traffic management practices.

What information would you like to receive about the speed of your Internet connection? An information about the real speed on the moment of my internet connection, not about the maximum capacity of speed, as do all the internet providers.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

I think that in the contract must be defined the capacity minimum of the speed of my internet connection and not in terms of maximum capacities. In this way the contract can be more transparent.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen



Mail priva di virus. www.avast.com

From: [montser1234](#)

Subject: Hello, I am Mr. Mohsen Abdullah from Syria. I am looking for a possible tie up with a business or individual in your country so that I can do some investments and to enable me qualify for an investor visa to your country. Please email me back so tha...

Date: 05 July 2016 19:54:11

From: b.janik1
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Hold on net neutrality
Date: 12 July 2016 01:00:22

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Janik Balters

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation

guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: jrenn@free.fr
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:NN-Consultation:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: <https://consultation.savetheinternet.eu/advanced/>
Date: 08 July 2016 21:27:53

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? No, why should there be a demand for "commercial practices" such as zero rating? Zero rating itself is marketing bullshit for not offering flatrate internet access. Why would we even need this zero-rating crap when people had a reliable internet connection at decent speeds because ISPs would finally invest in their infrastructure. Wonder who can come up with that stupid questions...

My name/organisation:

I'm strictly opposed to "fast-lanes". ISP should just invest more in their infrastructure, then we wouldn't even have to talk about such a bullshit idea. I guess it's just another desperate try of industry and politics to control and censor the internet. The free internet we had end of the 90' is gone already, and that stupid buy-net filled with advertisers and annoying popups is supposed to get even worse in the future?

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

This is marketing bullshit. No service or application justifies "specialised" or "optimised" services. In the end it's all offered over the internet. Just because some of your marketing idiots give it a different name doesn't change the fact that it's all the internet.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

No. ISPs just have to improve their infrastructure which should not be a problem given the amount of money we pay for internet in Europe. If infrastructure is fast and reliable the actual "best-effort" principle is more than sufficient for every single imaginable online service. No need to slow down what you don't like. Especially in regards of connected cars, I happen to be an expert in telematics, all we need is good coverage. Your bullshit specialized services won't not change anything to the fact that usually when driving to a rural area the best connection we can get is 2G. Get the ISPs to setup LTE everywhere, problem solved. Again, no need to censor what you don't like and bullshit us that it'll make the rest faster, just invest.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Can't think of any positive impact, except:

1. The UE will get rid of freedom of speech through censorship
2. The EU will make the internet a pure "cleaneternet" as seen in <http://www.cleaneternet.org/>
3. ISPs can go on and overcharge people for whatever they want

Negative impact: (I listed some pros of net neutrality here)

- Network neutrality avoids that ISPs charge online services such as Xbox Live, Playstation Plus, Skype, and Netflix for "fast lanes". These extra costs for "fast lanes" are problematic because they can make the services more expensive for internet users and also may prevent small companies from the capacity to compete with the big companies who have the budget to reach agreements with ISPs.
- Net neutrality avoids discrimination among users ensuring similar access to information for people of different socio-economic status. Without neutrality, high-speed internet for entertainment could be prioritized over education. And ISPs could change premium fees ("pay-to-play") to enjoy special access to public libraries, benefiting the richest people.
- Network neutrality helps to promote freedom of choice, as ISPs cannot obstruct or incentivize particular contents or sites over others.
- Anti-blocking and anti-discrimination rules prevent the capacity of ISPs to arbitrary decide to limit access or promote some type of content. The role of ISPs is to only "transport" data to the users that have paid for delivery, and therefore they should not shape content consumption patterns.
- Net neutrality promotes a level playing field for competing companies.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes, they do. Dangers of zero-rating:

1. Distorting Content Consumption

Zero rating may provide an unfair advantage to the provider of the content that is zero rated, compared to other content providers or potential new entrants. For example, one preliminary study in South Africa suggested that a zero-rating plan for Twitter caused a significant spike in Twitter usage while the promotion was in place. The same study observed an even more dramatic spike as a result of a similar program zero-rating WhatsApp. This may be more of a problem when the content provider is already popular (such as Facebook or Google), than when the content provider is small and local, perhaps offering content in a local language or to a local community. The point is: zero-rating funnels internet users to the content and services that are zero-rated at the expense of alternatives. Even schemes that purport to be open to widespread participation in fact make choices about who may join and how to allocate resources to enable different services to join the program. For example, T-Mobile's zero-rating programs have favored commercial over noncommercial services and have favored music and video over other types of data (such as video chat or online gaming).

2. Distorting Access Markets

Similarly, there may be an unfair advantage to the network operator who zero rates their own content, compared to competing operators who don't do so. For example, by zero rating their own app, music or video stores they have a better chance of locking their customers in to their service. This is likely to be less of a problem in more competitive markets where the consumer has a wide choice of network operators, especially if there is also an antitrust regulator who can step in to curtail practices that have particularly anti-competitive effects.

3. The Walled Garden Effect

Zero rating limits users to a narrow experience of the Internet, and disincentivizes them from venturing beyond those services that are provided for free. This is an argument commonly directed against Facebook's Free Basics service that is offered in several developing countries. Indeed, there is evidence that at least some users may never venture beyond Facebook. Mark Zuckerberg claims to have data that half of Free Basics users in fact upgrade to full Internet access within 30 days, but this net positive effect on Internet

access seems to be minimal. Given the habits of the typical Internet user, those who upgrade likely continue to disproportionately use the services they could sign up for during their stint with zero-rating, a lasting harm to competition and public discourse.

4. Privacy and Security

Every zero rating program in existence today has required the establishment of new Internet gatekeepers, who create a chokepoint for control of users' Internet experience. In order to enforce their zero rating policies, these gatekeepers may be required to engage in deep packet inspection, or to disallow the use of encryption, in either case introducing significant privacy and security problems that otherwise would not exist.

5. Centralizing Power in New Internet Gatekeepers

Beyond the obvious potential impacts on competition, privacy and security, zero-rating plans may cause a more fundamental harm: Widely embraced, they threaten to rewrite the rules upon which the Internet was built. By turning service providers into gatekeepers – even benevolent ones -- zero-rating helps transform the Internet from a permission-less environment (in which anyone can develop a new app or protocol and deploy it, confident that the Internet treats all traffic equally) into one in which developers effectively need to seek approval from ISPs before deploying their latest groundbreaking technology. With zero rating, developers and engineers are no longer able to depend on the core assumption that the Internet treats all data equally. Content providers who have to make tradeoffs about which zero-rating technical requirements to implement will tend to favor the ISPs who already have the largest audiences, further cementing the largest incumbents in those markets. The result may benefit big ISPs and incumbent content platforms who can play the zero rating game to their advantage, but likely not innovators and users who can't.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No, this is the worst violation of privacy I have ever come across. If ISPs had good and reliable infrastructures they wouldn't need that much "traffic management" which is just an excuse to not improve their networks.

Let me ask you a question: Should your mail man be allowed to monitor all your mail, including reading all your correspondence for the purpose of checking if he should deliver your mail today or next week because he thinks it's not that important, or never because he thinks you should not read what your friend wrote? What a stupid idea...

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Not at all!!!!

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes. Read about the best effort principle and understand how it works before trying to make new stupid rules.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

There's nothing like reasonable traffic management. You guys probably don't have brains, correct? Because if you did, I wouldn't really have to answer that question. What if your provider gives priority to a video platform or TV channel that you don't want to use, and leaves you unable to use your favorite platform or channel? What if the provider keeps claiming that the network is busy, and keeps slowing down the services you want to use?

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

I would always only consider an internet connection where my ISP ensures to respect the principle of net neutrality.

Traffic management and commercial practices are red flags and would just make me look for another ISP.

What information would you like to receive about the speed of your Internet connection?

Did you ever use the internet yourself? You can just go on pages like speed test (www.speedtest.com) and test your own connection. All I need to know is what maximum speed can be provided where I live and is it flat-rate since I'm not willing to pay for data packages like some bad operators offer for mobile phone internet.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Latency is useful to know especially for online gaming or service such as video telephony, e.g. skype. Why should I care about jitter or packet loss, just provide me an open best effort internet and everything is fine. If a packet gets lost, there are mechanisms in the tcp ip protocol to ensure the packet is re-transmitted so an end user wouldn't even notice.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental

to the development of the free, open and innovative Internet ecosystem.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Ben Bierens](#)
To: [NN-Consultation](#)
Cc: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: I believe Net Neutrality has become vital to society
Date: 02 July 2016 19:56:01
Attachments: [imageaf3ab4.PNG](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Ben Bierens

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

The power of the internet is the fact that it's general-purpose. The same uplink can be used for video, audio, gaming, social interactions, and much more. Any service that would restrict, subtract, or divert from this broad range of applications will undermine the usefulness of the internet, and ultimately its value.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)? There is no justification for specialised services for a particular field or domain as no ones is in the position to decide which services are important enough to the majority of the internet users.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Increasingly, cloud-based services are interconnected and rely on each other to service the requests from their users. Specialized services would hinder innovation by segregating online services, preventing users and companies from benefiting from the interoperability.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Met vriendelijke groet / kind regards,

Ben Bierens



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Please consider the environment before printing this e-mail

[Topic zoekt gedreven \(embedded\) software specialisten!](#)

From: [Derrick Ofori Kofi](#)
Subject: I have a Gold bar for sale!!
Date: 23 June 2016 22:29:44

Good Day,

My name is Derrick Ofori Kofi i am a director of field operation Ghana custom excise and preventative service. i am in searching for honest gold dealer or who knows anyone who deal on gold that i can trust to help me receive 76 kilograms of gold i have here and sell it in his or her country. we shall conduct the business on mutual benefit of both of us. to be frank with you i seized the gold from the illegal exporters at the Kotoka International Airport Accra Ghana when they were about to smuggle it into Airline and ship it out of the country without following the Ghana Government procedure on gold shipment but i have legalized it in my name as the owner.

I will be very grateful if you can indicate your interest to help me sell the gold in your country.i am happily married with kids and love my job and never wish to loose it. Please all i need from you is a maximum trust and honesty and also promise that you keep the almost secret and confidentiality in order for us to achieve this deal successfully. i would like you to send me your personal contact details before we commence this business.

I wait for your respond.

Thank you
Kind regards,
Derrick Ofori Kofi
Please write me in my private email: at6862@gmail.com

From: [Peter Dressler](#)
To: [NN-Consultation](#)
Subject: I hereby support the position stated in this open letter attached - I do fully support the full network neutrality and do not accept the threats done by the telecom companies
Date: 16 July 2016 12:34:41

Four Days to Save the Open Internet in Europe: An Open Letter

[Web Foundation](#) · July 14, 2016

- [Web We Want](#)

The post below is an open letter to European citizens, lawmakers and regulators, from our founder and Web inventor Sir Tim Berners-Lee, Professor Barbara van Schewick, and Professor Larry Lessig. Join the conversation in the comments below or on Twitter using #savetheinternet or #netneutrality.

—

We have four days to save the open Internet in Europe

By Sir Tim Berners-Lee, Professor Lawrence Lessig, and Professor Barbara van Schewick

Network neutrality for hundreds of millions of Europeans is within our grasp. Securing this is essential to preserve the open Internet as a driver for economic growth and social progress. But the public needs to tell regulators **now** to strengthen safeguards, and not cave in to telecommunications carriers' manipulative tactics.

We are so close. In October, the European Parliament voted on network neutrality rules for the European Union. Now regulators are writing guidelines to determine how the law will be applied in practice. These guidelines could secure net neutrality in Europe – if regulators use them to close potential loopholes in the law.

Telecom companies know this. And so they are lobbying hard to get regulators to adopt weak guidelines that would benefit their businesses over the public interest. They have connections to the highest levels of EU governments, a well-oiled lobbying machine, and lots of money to pay lawyers and experts to write extensive comments. Their latest move came last Wednesday, when the 17 largest telecom companies in Europe [threatened not to invest](#) in the next generation of 5G mobile networks unless regulators water down the guidelines.

We – the ordinary users of the Internet – don't have expensive lobbyists. But we have millions of people – everyday Europeans, startups, investors, small businesses, activists, NGOs, bloggers, independent artists – who have experienced the power of the open Internet first hand and want to protect it.

That's where you come in. For a few more days, **until July 18**, the public has an opportunity to comment on the guidelines and convince regulators to close loopholes and protect the open Internet in Europe.

The Internet has become the critical infrastructure of our time – for our daily life, for our economy, for our democracy. Strong guidelines will protect the future of competition, innovation, and creative expression in Europe, enhancing Europe's ability to lead in the digital economy. They will ensure that every European, no matter the color of their skin or the size of their wallets, has an equal chance to innovate, compete, speak, organize, and connect online.

If we speak up now, we can convince regulators to do the right thing.

Here's what you can do to help.

Speak Up:

Before July 18th, 14:00 CEST, visit www.savenetneutrality.eu or www.savetheinternet.eu to participate in the public consultation by submitting a comment in support of strong net neutrality rules.

Spread the Word:

Share this post and others on Facebook, Twitter, or anywhere else, using #savetheinternet and/or #netneutrality.

Talk with your friends, colleagues, and family and ask them to [take action](#).

If you are a blogger or journalist, write about what is going on.

If you are an entrepreneur or investor, review and [sign](#) the entrepreneurs' letter.

If you have a blog or a website, protest Internet slow lanes by [adding a widget to your site](#).

There are four areas that regulators need to get right to secure meaningful net neutrality in Europe.

1. **BAN FAST LANES: Regulators need to close a loophole that could allow carriers to offer special “fast lanes” to normal websites and applications for a fee.**

The telecom companies that connect us to the Internet want the power to charge websites extra fees to reach people faster. In a world where some websites can pay telcos to be in the “fast lane,” anyone who can’t afford the extra fees – start-ups, small businesses, bloggers, artists, activists, and everyday Europeans – will be left behind in the slow lane. Innovation and economic growth will suffer, and Europeans will be left with an Internet that is less vibrant, less diverse, and less useful.

Europe’s net neutrality law stops telecom carriers from creating fast lanes online. But it contains an exception for “specialized services” that cannot work on the regular Internet. Carriers want to squeeze as much of a pay-to-play business model as they can into this exception, turning it into a giant loophole. [Their stated goal](#): A world in which any application can buy a fast lane – not just those that could not function without it.

Regulators need to close this loophole by clarifying that the “specialized services” exception cannot be used to create fast lanes for normal Internet content. And they should regularly review what qualifies as a specialised service – remember that in the not too distant past, everyday services like web-based email or online video would have been seen as a specialized service!

2. **BAN ZERO-RATING: Regulators need to ban harmful forms of zero-rating.**

Carriers want to be able to exempt certain favored applications from users’ monthly data caps, a practice called “zero-rating”.

Like fast lanes, zero-rating lets carriers pick winners and losers by making certain apps more attractive than others. And like fast lanes, zero-rating hurts users, innovation, competition, and creative expression. In advanced economies like those in the European Union, there is no argument for zero-rating as a potential onramp to the Internet for first-time users.

The draft guidelines acknowledge that zero-rating can be harmful, but they leave it to national regulators to evaluate zero-rating plans on a case-by-case basis. Letting national regulators address zero-rating case-by-case disadvantages Internet users, start-ups, and small businesses that do not have the time or resources to defend themselves against discriminatory zero-rating before 28 different regulators.

The guidelines need a comprehensive, Europe-wide ban on harmful forms of zero-rating.

3. **BAN DISCRIMINATION: Regulators need to prevent carriers from discriminating among classes of traffic to manage their networks.**

Carriers would like to define classes of traffic to be sped up or slowed down, even in the absence of congestion. They say this will let them offer better quality Internet access. But class-based traffic management lets carriers discriminate against services at will. It allows carriers to distort competition, stifle innovation, and hurt users and providers who encrypt by putting all encrypted traffic in the slow lane.

The draft guidelines make clear that class-based traffic management can only be used as a last resort during exceptional or temporary congestion if less discriminatory methods cannot solve the problem. This is good, and ensures that the Internet remains a level playing field even during times of severe congestion.

But the guidelines are less clear for traffic management in the absence of congestion. This ambiguity could be misused as a loophole to allow carriers to discriminate in the name of addressing problems admittedly less severe than congestion, where discrimination can only be used as a last resort.

The draft guidelines should clarify that class-based traffic management can be used only if less discriminatory, application-agnostic methods cannot solve the problem, regardless of whether there is congestion or not.

4. **PROTECT INTERNET ACCESS: Regulators need to prohibit new “specialized” services**

from taking over bandwidth that people bought to access the Internet.

Carriers want to offer new kinds of “specialized” services that need special handling not available on the Internet. People would buy these services separately, in addition to their normal Internet access. Carriers find these services attractive because they can charge the providers of these services extra fees for special treatment.

The draft guidelines allow these specialized services to take away bandwidth from people’s Internet connection. In essence, telecom companies would take bandwidth that a customer bought to connect to the Internet and use it for a specialized service that the same person (and, potentially, the providers of these services) is paying for separately. That means people signing up for a specialized service would pay twice for the same bandwidth, and would have less bandwidth available for the websites and Internet apps of their choice. This harms people signing up for a specialized service, and makes it harder for Internet applications, content, and services to reach consumers.

The current version of the guidelines directly contradicts the law, which requires that specialized services be offered in addition to access to the Internet and must not reduce the quality of normal Internet access. Regulators need to correct the guidelines.

. . .

Telecom regulators can still protect net neutrality in Europe – if they make the key changes described above. We urge regulators to make these changes. And we urge you to contact those regulators before July 18th and let them know the public supports strong network neutrality guidelines.

We have four days to save the open Internet in Europe. Let’s use them.

Take action before July 18th, 14:00 CEST here:

From: [mitch Stanley](#)
To: [NN-Consultation](#)
Cc: kokomokid97219@yahoo.com
Subject: I support Net Neutrality Worldwide & not in select countries.
Date: 25 June 2016 07:20:43

I support Net Neutrality Worldwide & not in select countries.

Thank s
Mitch Stanley
Redlands, CA
USA

From: [Natalie Desvignes](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: I wanna save the Internet!
Date: 26 June 2016 16:06:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Natalie DESVIGNES

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

Cordialement.
Best regards.



CONTACT :
+33 6 81 61 10 37.

desvignesnatalie@gmail.com

From: k.antonfeenstra@gmail.com on behalf of [Anton Feenstra](#)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Importance of strong net neutrality
Date: 08 July 2016 11:06:00

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? It might seem alluring to many end users, who wouldn't want free 'Internet'. But it puts unprecedented and dangerous power into the hands of commercial isp's to bias or limit user's access to information.

My name/organisation:
Anton Feenstra

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Emergency services, or dedicated real time video connections. They need guaranteed throughput and/or connectivity, which internet doesn't give.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Yes, probably.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

It may limit available bandwidth or resources to regular traffick. I.e., a second-rate Internet.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Imagine that each isp only gives (free) access to a part of the Internet, and that access to the rest becomes prohibitively expensive (to some or many). Some people would live in a 'Vodafone' world, others in 'tele2' world. Disney may become an isp just to offer such an 'experience'. I think this is very dangerous. Big brother 2.0.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Not. If other connections need priority, it should fund it's own resources.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes, severely so. This is an open door to commercial censorship.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Reasonable means my traffick will not ever be limited by priority traffick. Imagine a real time video steam being routed through my segment every time I was going to visit a porn site, or that of a certain political party?

[NN#1v2]

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Kind regards,

A concerned citizen

Anton Feenstra

From: nicol.pora
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: important matter
Date: 07 July 2016 10:59:26

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Nicol pora

[NN#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

Nicol Pora

[Sent from Yahoo Mail on Android](#)

From: [James Key](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Important
Date: 16 July 2016 04:43:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Patterns in behavior that intentionally result in the gain of profit.

There is a demand for zero rating, however, that is only because people perceive that they are getting something for free, which is not the case - therefore it should not be practiced. It also creates a bias market.

My name/organisation:
James Key

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management? Absolutely not. It's the same principle as going through someone's physical mail for the purpose of mail statistics/management.

What information would you like to receive about the speed of your Internet connection? The real, tested speed, not just the maximum potential.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Yes. They should be given as tested average values for recent similar connections around the same location on every piece of parameter.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the

optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
James Key.

From: [Sebastian Neubeck](#)
To: [NN-Consultation](#)
Subject: Incentives
Date: 16 July 2016 13:01:55

Hello everyone,

the Net needs to be neutral and equally accessible for everyone as a vital guarantor for freedom and peace. In my opinion there cannot be any short cuts, fast lanes or privileged areas for a few. We cannot keep sacrificing everything to the incentives of a few.

Kind Regards,
Sebastian

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Diese Nachricht wurde von meinem Android Mobiltelefon mit [WEB.DE](#) Mail gesendet.

From: [Carlos Catucci](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: info@agcom.it
Date: 16 June 2016 16:54:44

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Carlos Catucci

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
If the specialized service doesn't implemented at detriment of the free net, no problem. But if to offer specialised services to a couple of rich users (and companies) the band will be cut off for the normal use of the net, it's time to make a revolt.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
Commercial practices are often annoying, especially spam in email or on the web pages (intrusive and obstructive banners and alerts), but there the SW solutions to that.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
No! Is a fascim!

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
In no way. Already I must pay to have access, then I can do what I like, the ISP get the money to give me bandwidth, the use of it is my choice.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes, they're not philanthropist that donate the access for free, they want money to give it.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
No matter, no management of traffic is reasonable. A balance between bandwidth and number of user is natural, but without prioritize some user.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?
All the info's are needed

What information would you like to receive about the speed of your Internet connection?
A periodic report of daily average speed maybe a good thing. So I can compare with averages of other users that are connected to other ISP

and i can evaluate if it's a better choice to change ISP

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Yes, all the details must be clearly indicated. So then I can make a decision about what ISP I like to join to.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

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[ZR#1v2]

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Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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EZLN ... Para Todos Todo ... Nada para nosotros

From: [Markov Bullmann](#)
To: [NN-Consultation](#)
Subject: Input to consultation on BEREC Net neutrality guidelines
Date: 10 June 2016 21:12:11

Dear Sir / Madam,

Would you please confirm that you have received my comment?

I agree with the publication of my comment.

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Is there a demand for “commercial practices” such as zero-rating? Could these limit your rights as an end-user? Please provide examples.

Zero rating leads to lower data packages, in the end "zero-rated" options lead to smaller packages and thus higher costs to end users. There is no free lunch. In the end the consumer pays.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

There are no consumer-relevant services which would require more than a "plain", but well dimensioned Internet access service. Some exotic services like "e-health" will always require separate infrastructure, such services are not related to Internet and they should not be confused with Internet. Thus there is no need for specialised services within the Internet domain.

Is there a demand for specialised services? Which services should be allowed this special treatment?

None.

Should the ISP be allowed to monitor your traffic, including its content (e.g. through deep packet inspection) for the purpose of traffic management?

No. This would be a violation of the privacy directive (thus national privacy laws) and the upcoming data protection regulation. It also infringes the Charta of Fundamental Rights of the Union.

How much should your ISP be able to interfere with your Internet connection - for example to throttling or prioritise certain types of online traffic (video, P2P, etc)?

That's not their business. ISPs shall transport, not monitor/interfere etc with traffic.

What information would you like to receive about your Internet connection, such as its speed, quality of service or how your traffic is managed?

Minimum speed, the only relevant figure. No traffic management, this is how the Internet is built.

The diversity and innovative capacity of the Internet ecosystem is built upon the low cost of innovation and low barriers to market entry. These principles ensure that from day one, every enterprise, startup or non-commercial service – no matter how small or well funded – has the potential to reach a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy is only ensured by an

open, neutral and non-discriminatory Internet. When ISPs are allowed to interfere with the decisions of their customers by economic or technical discrimination, this essential freedom is lost. According to Recital 1 of the Regulation on net neutrality, the legislation has to be interpreted in light of these goals.

The Regulation allows specialised services only under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This cannot be the case with services that can also function on the open, best effort Internet. Furthermore, Recital 16 prevents specialised services from being used as circumvention of the general net neutrality traffic management rules. Any deviation from these safeguards to widen the applicability of the concept of specialised services would inevitably result in increased market entry barriers and thus weaken the innovative potential of the Internet as a whole.

The Regulation has very clear rules on what constitutes reasonable traffic management. According to Article 3(3), all traffic management should be done in an application agnostic way, if possible. Class-based traffic management harms competition; it risks unintended damage to specific applications; it can discriminate against encrypted traffic; it creates uncertainty for content application and service providers; it stifles innovation; it can harm individual users, and can create regulatory overload. Therefore, applying class-based traffic management in situations where application agnostic traffic management would suffice is neither necessary, proportionate, transparent for the user, nor non-discriminatory.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

When ISPs are allowed to charge for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, to encourage their customers to increasingly use specialised services. This effect will be detrimental for minorities, disadvantaged people and startups that cannot afford special access to all networks in which they may want to reach customers, and the development of the free, open and innovative Internet ecosystem.

Economic discrimination (zero rating) interferes with my right under Article 3(1) to access and, in particular, to distribute information freely. When an ISP discriminates between providers of content, applications and services via an Internet access service by making them unequally accessible, this constitutes an arbitrary interference in the essence of my right. Furthermore, this practice restricts my rights under the Charter of Fundamental Rights (Articles 11, 15(2), and 16). Therefore, economic discrimination must not be allowed under the BEREC guidelines.

Kind regards,
Markov Bullmann

From: [Fundacja Terapia Homa](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: INTERNET CONCERNS
Date: 06 July 2016 23:05:18

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Fundacja Terapia Homa

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Robert Manceau](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: internet doit rester libre transparent accessible à tous
Date: 15 July 2016 14:21:24

si internet était confisquer par quelques multinationale ce sera terrible pour eux car une résistance forte et destructrice émergera

From: [Christof Ihle](#)
To: [NN-Consultation](#)
Subject: internet for everyone
Date: 16 July 2016 16:10:33
Attachments: [signature.asc](#)

May humble translation:

It must be prevented, that bits & bytes will be classyied.
Only in emergency cases it may be meaningful for the power and stability of
the net.

Every human beeng ist a human beeing and every byte is a byte.
Same rights, same classes.

Money is not a good reason for neutrality and justice.

hopeful

Christof ihle
D-41540 Dormagen
Elsa-Brändström-Str. 27

---<German ver.>---

Es muss verhindert werden, dass Bits & Bytes klassifiziert werden.
Nur in Notfällen kann es sinnvoll sein, um die Kraft und Stabilität des Netzes
zu erhalten.

Jeder Mensch ist ein Mensch, jedes Byte ein Byte.
Gleiche Rechte, gleiche Klassen.

Geld ist kein guter Grund für Neutralität und Gerechtigkeit.

From: [Andrea Rivata](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: INTERNET FREE
Date: 15 June 2016 23:07:09

Dear Sir or Madam,

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[NN#1v2]

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Kind regards,
A concerned citizen

From: [Roberto Bogoni](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: internet free
Date: 16 June 2016 07:23:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Roberto B. org: Privata.

[NN#1v2]

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From: [Dave J.](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Internet freedom
Date: 15 July 2016 01:35:30

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?
NO.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
Complete privacy with no logs... I prefer freedom without being spied upon.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
?

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
All traffic created equally without discrimination is what is needed both now and in the future.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
Yes. No examples needed. I pay for a speed and I want that speed to not be slowed down for profiteers sake.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
Absolutely not. Never. The USSR and other former 'states' had listening stations to monitor (spy upon) citizens and I don't want that again.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Never

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
Reasonable is all traffic. Total anonymous data with no ip logs or mac address logs.

What information would you need to make an informed decision about your Internet

connection? For example: traffic management. commercial practices or technical conditions?

The exact details; however, no logs should be kept for internet traffic unless it is totally anonymous.

What information would you like to receive about the speed of your Internet connection? Nothing. I want what I pay for and I can get all I need from machine and download speeds.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

If the provider has issues, known issues, then, I suppose those should be stated.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be

assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Cyandre Fleischmann](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet Freedom
Date: 19 June 2016 09:47:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Georg Fleischmann

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Kind regards,

A concerned citizen

From: [Cyandre Fleischmann](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet Freedom
Date: 19 June 2016 09:46:41

From: [Maarten Vasbinder](mailto:Maarten.Vasbinder)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Internet freedom
Date: 09 July 2016 11:36:46

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dr. Maarten Vasbinder

[NN#1v2]

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competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Marshall Gillibrand](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet freedom
Date: 06 July 2016 20:07:55

Reduce 'comercial' and 'political' interference to a minimum.

From: [Joseph Fulberg](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet Freedom
Date: 13 July 2016 08:59:49

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

It is vitally important to provide full access at any time, for everyone, also it will not work that way because users will find loopholes and workarounds.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet? all services should be included for equal use and to the gain of all customers small and big ones.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

every connection should be treated equally because there are communication ways aside of internet connections that can be already established for social security and rescue services, big corporations don't need to be prioritized because they already have an advantage moneywise and don't need extra support, it's rather the other way around, small businesses need to be promoted in order to restore balance to the market and make the market more stable through versatility.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Big Players already have all advantages they need because they have more advertising and better promotion through the loads of money they spend on it even if they don't need it, if they make a good product, seen on non advertising corporations that get promoted mouth to mouth, they spend money on making the best possible quality for a low price and are successful nonetheless.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples? even both, through cutting speed and availability you not only making poor people and small businesses poorer you also lose customers through limited moneyflow and boycott.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

yes it is and it should only be used on extremely dangerous organisations like warmongers and Murderous groups.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or deprioritise certain types of online traffic (video, P2P, etc)?

not at all.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

they should rather build bigger lanes so more traffic can be handled so there is no jams for anyone.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

reasonable would be to slow non vital connections in case of emergency like VOD services

What information would you need to make an informed decision about your Internet connection? For example:

traffic management, commercial practices or technical conditions?

I guess I would need to know when an internet traffic jam occurs, such as on Sundays so I can restrict my use of myself to the important data transfer, and restrain myself from unnecessary connections.

What information would you like to receive about the speed of your Internet connection?

Maybe there is a way to build a dynamic connection speed management that allows all users to use faster speeds whenever they are available and slows down all connections if too many users are online, so you get speed bumps on less trafficked periods and slower connections when there is much traffic to provide equal distribution for everyone.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Latency yes, maybe even offer an extra cost low latency service.

The rest of the service should always be as good as possible.

[NN#1v2]

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the

context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
Joseph eulberg

From: [Robin Herz](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet freedom
Date: 15 June 2016 23:11:08

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Robin Germany

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [des Courtis Hubert](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet interference
Date: 15 July 2016 00:34:29

No interference and transparency please!

From: [Jesús P.](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet legislation
Date: 02 July 2016 20:00:04

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jesús Pumariega García

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Tonino Chiacchiarì](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: INTERNET LIBEROOOOOOOOOOOOOOOOO
Date: 16 June 2016 11:20:39

From: pepe.pepepe
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: internet managing
Date: 03 July 2016 01:06:55

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? absolutely not. The people that knows about it (people who investigate, not the people that only see the side offered by providers) are all in accord: not to this shit!

My name/organisation:
Miguel

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
generally nothing useful to users, they only wanna more 0's on their bank accounts

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
nope (i think)

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
only see north korea. I'ts a perfect example of the results of limiting the net.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
yes

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
never. if i'm looking for a panasonic's tv (in example) and sony have an contract whit my ISP (in example again) it can block my traffic and made me think that panasonic does not make tv's, but sony yes. Or can block possitive critics & reviews of panasonic tv's and negative critics of sony. And infinite etc's.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
0 looks reasonable

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
isp's must limit to grant internet to homes(or enterprises or others). Only that. No manage contents, no seek users, no do anithing more. We only pay for internet, how complicated is understand that?

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

i consider reasonable if the isp gives to police an area in extreme cases (terrorism, pederasts, hijack, etc). If i want to stole wifi from my neighbour, i must can. The security and legality of that, is my cuestion, and only mine

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

if i have all the info about all that i buy, better

What information would you like to receive about the speed of your Internet connection? all that can be provided in the context of the law. I pay for all, line and info about it

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

at the moment of the offer, they sould-must informate the client of all thing that includes that, with clear words and leaving technical terms. Obviously, nothing can pay an attorney to all new client, buy all can give some info about the product that is solding. Also, obviously again ever keep people that dont understand, but they will be infinitely minus if the corps care to inform the clients

[NN#1v2]

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would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If

people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management

should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: genevieve.ladjadj@gmail.com on behalf of [Genevieve KOENIG](#)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: INTERNET MUST STAY FREE
Date: 25 June 2016 17:43:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
GENEVIEVE KOENIG

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Geneviève KOENIG (et/ ou LADJADJ)
34 B La Grande Rue
86240 LIGUGÉ France

0° 19' 49.4" est ; 46° 31' 05.4" nord
Suivre les panneaux ABBAYE DE LIGUGE sur la D4.

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Place du Révérend Père Lambert
juste de l'autre côté de la rue.

Nous sommes au fond de la cour
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pour entrée par le garage
et accès boîte aux lettres,

ou au 15 bis impasse du Parc
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Home = 339 52 74 72 86
Cell = 336 16 445 398
and = 336 95 920 365
Fax = 339 57 747 286

Envoyé de la mienne-maison avec le mien-ordi.
Do not adjust your mind, it is reality that is malfunctioning.

From: [Eckart Hofmann](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Internet Net Neutrality
Date: 09 July 2016 01:21:20

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Eckart Hofmann

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Roberto Serra](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet neutrality concerns
Date: 20 June 2016 11:08:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

Don't know. Anyway existence of demand doesn't mean it is a good thing to offer.

My name/organisation:

Roberto Serra, Università del Piemonte Orientale

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Remote firewall, a web interface from which to chose DNS, a proxy, a VPN for devices (eg: my wifi printer at home could be accessed from my phone wherever I am, this kind of service could be made easy for normal users as an additional ISP service)

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Don't think so.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Obviously a handful off huge companies will build a monopoly of traffic.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

In any way, if I am entitled to certain amount of data transfer it must be my only choice how to use it, be it one single file download or hours of navigation in text only websites.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes, of course it would.

What information would you like to receive about the speed of your Internet connection?

Peek speed is misleading if it is the only figure provided, to a non-expert user it is the equivalent of a plain lie. Alla data should

be provided: peak speed, lowest registered speed, mean, median, average, per zone data, per time span data (to see if the service is stable, improving or worsening).

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

All available data should be offered to the user/customer to allow an informed choice.

[NN#1v2]

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Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued

functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2), and 16 of the Charter of Fundamental Rights).

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Roberto Serra
Laboratorio Informatico
Scuola di Medicina
Università del Piemonte Orientale
Via Solaroli, 17 - 28100 Novara
Tel. +39 0321660548
Fax. +39 0321620421

From: [Copot Alexandru](#)
To: international@ancom.org.ro
Subject: Internet Neutrality Petition
Date: 13 June 2016 15:12:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Alexandru Copot

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Kind regards,
A concerned citizen

From: [Birgit Hett](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet Neutrality
Date: 19 June 2016 10:37:45

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Birgit Hett

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [reson8_](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet neutrality
Date: 16 July 2016 12:57:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
david mc laughlin

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes. The internet is the most prominent social-communication tool for rapidly disseminating ongoing events; if some applications are de-prioritised this would adversely affect our ability, as a society, to react to what's going on (eg. terrorist attacks, ongoing conflicts etc).

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

I would need to know the expected speed range for my area, the available tariffs, and the isp's procedures for traffic management in terms of what they consider priority and non-priority traffic (if any). I'd like to know how reliable the connection is, but i doubt that information is available. My current connection can go for a day or two without dropping, or it can disconnect several times in an evening.

What information would you like to receive about the speed of your Internet connection?
see above.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

I don't believe isps can produce replicable, credible data like that; they would see it as not profitable to show areas where they don't perform so well. It would be nice to see what my isp expects me to have, but i know from both experience and the data from my router that the service i receive is highly unreliable in terms of stability and speed.

I believe that isps would simply do a small sample test of their areas and only publish the most favourable results; it's not in their commercial interest to publish poor findings.

[NN#1v2]

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Kind regards,
A concerned citizen

From: [Farid Djaidja](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet neutrality
Date: 06 July 2016 18:38:58

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Farid Djaidja

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Paolo Fumich](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet Neutrality
Date: 17 June 2016 17:14:00

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Paolo Fumich

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
VOIP is the only one coming to my mind.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Least possible

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Could facilitate ISPs in not investing in their network. Quicker networks are a gain for all citizens.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
I would allow traffic management only in very special congestion cases and only to keep fundamental real-time services up, such as VOIP

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?
I'd think the basics would be: Filtering and traffic management logics, commercial practices, minimum bandwidth, privacy (log retention policies)

What information would you like to receive about the speed of your Internet connection?
Minimum guaranteed bandwidth, average speed in my zone

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
They should be listed in a table. Average geographical values

[NN#1v2]

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From: lliano_ramirez
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Internet neutrality
Date: 18 June 2016 10:01:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Serge Brisset

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the Internet service providers should treat all traffic equally, and not classify them

[NN#1v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are

not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Terry Deamer](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet neutrality
Date: 16 June 2016 12:21:06

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Terry Deamer

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Kind regards,

A very concerned citizen

From: [Ralf Ulrich](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet Neutrality
Date: 14 July 2016 08:47:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dr. Ralf Ulrich, Karlsruhe Institute of Technology

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
No. In the context of encrypted data this must not be possible.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Not at all. It can be an advantage if the end user himself can make such decisions, but this is easily possible with good routers.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes.

[NN#1v2]

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[SpS#2v2]

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on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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Kind regards,
A concerned citizen

From: [Piero Frascini](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: INTERNET NEUTRALITY
Date: 17 June 2016 09:03:45

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Piero Frascini

[NN#1v2]

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Kind regards,

A concerned citizen

From: [Jane Hanscomb](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: internet neutrality
Date: 01 July 2016 18:58:16

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jane Hanscomb BSc

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: jerry.falconer
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Internet proposal
Date: 17 June 2016 13:21:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Mr J Falconer

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by

modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word “other” before “end-users” in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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[ZR#1v2]

“Zero-rating” is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get “free” access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that “National regulatory and other competent authorities should be empowered to intervene” and “should be required, as part of their monitoring and enforcement function, to intervene” only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the “consistent application of this Regulation” by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a

discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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Kind regards,
A concerned citizen

From: [Hanne Lötters](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: internet regulation
Date: 05 July 2016 23:35:58

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Hanne

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Kind regards,
A concerned citizen

From: robert.jansen
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:NN-Consultation:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Internet regulation
Date: 15 July 2016 00:36:46

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

From the end user's point of view, an ISP should function as a common carrier, transmitting the end user's data without any knowledge of content, and without regard to origin or destination. There are no legitimate exceptions other than national security, cyber crime, and local/regional national emergency.

My name/organisation:

Robert Jansen, independent inventor

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet? The only legitimate "specialized" or "optimized" services that belong on the internet are certain national security applications. There is no legitimate basis for (privately run and owned) ISPs to have what amounts to the (not even thinly disguised) power to censor content (of which they are not even supposed to be aware).

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

If there is a need for optimized connections for health care or connected cars, put them on a separate, physically and electronically segregated band. If there is a sufficiently demonstrated need for optimized connections, this strongly indicates the need for separate bandwidth, not preferential treatment within an ostensibly transparent system. Otherwise, exceptions and preferences will become the name of the game and overwhelm what was once an open system, transforming it until it becomes unrecognizable.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

See comment above. Specialized services, if they are in fact legitimate, require segregated and isolated bandwidth.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

I have already noticed unreasonable delays in downloads that I cannot explain other than by hypothesizing (illegal) throttling on the part of my ISP.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

NO! Other than the irreducible minimum of data necessary for management of traffic flow (size of file, origin, and destination), monitoring, absent the issuance of a properly executed search warrant, monitoring of content should be a both a criminal offense and a tortious act.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

FIFO (first in, first out) should be the order of the day except for matters of national security, criminal investigation (accompanied by a warrant), or local/regional/national emergency.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

If time sensitivity is a concern to the ISP, then the ISP should improve the performance of its network, not try to place the burden of its incompetence on the backs of its users.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Real-time monitoring of traffic flow with an aim towards anticipating the need for future growth (and actually responding to that need by increasing bandwidth) is reasonable, and in fact both necessary and sufficient. Nothing more is required except as I have previously stated (i.e., national security/criminal activity/emergency).

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

The same disclosure required of common carriers should be imposed on ISPs. I should not have to anticipate what information I require. It should be freely available to me.

What information would you like to receive about the speed of your Internet connection?

I would like to be able to examine and analyze the performance of my ISP (and every one of its competitors) from end to end. Then and only then can I make a well-informed decision.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Not only should they be required to describe and disclose their technical performance, they should all be required to describe and disclose through a common format, so anyone who so desired could use a single, common method of statistical analysis to aid in this/her/its decision making.

[NN#1v2]

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Kind regards,
A concerned citizen

From: [Eros Ramones](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: internet regulation
Date: 17 June 2016 03:09:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
nick chaz

[NN#1v2]

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Vint Grant](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Internet service access
Date: 19 June 2016 15:39:12

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

Open access to the internet should be maintained. Practices that restrict this should not be permitted

My name/organisation:

James Grant

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

anticompetitive practices should be discouraged

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Specialised services should not be allowed to take over the internet

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Fast lane service should not be allowed to the detriment of other services

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

privacy rights should be strengthened, not eroded.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Prioritisation of particular types of online traffic could lead to a form of censorship

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Prioritisation of particular types of online traffic could lead to a form of censorship

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and

diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible.

Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself.

Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Matddi](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Internet toll fees and Net Neutrality
Date: 09 July 2016 22:10:54

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
MAthilde Tautra, an EU citizen

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation

guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency. In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth). According to the proportionality principle and paragraph 58 of the draft

guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Robert Newell](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: internet web neutrality
Date: 06 July 2016 12:29:17

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? The only desire or zero rating comes from companies seeking to skew the market in their favour. Since this is by nature anti competitive, it is contrary to the concept of web neutrality and contrary to the basic premises of the EU

My name/organisation:
Rob Newell Retired

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Only services where service interruption or slowness could endanger human life should be offered as specialised. For example, communications between emergency services. Even in these service, only these for which uninterrupted service is critical (i.e. actions which occur in real time and as a result depend on uninterrupted service for their safety and effectiveness) should be classed as specialised

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

In the case of e-medicine this demand is important and will continue to grow. It will particularly benefit those in isolated communities with limited or no access to in vivo medical services. However, following from my last comment, it is important to recognise that this should not be taken to include such matters as routine consultations, non-emergency care, communication of routine medical matters such as drug prescriptions, advertising by medical companies, medical research into non-emergency matters. None of these latter require a specialised service as they don't rely on uninterrupted data flow.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

The insensitive prioritising of specialised services implies the creation of a 2 tier internet and so is contrary to the concept of neutrality.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

See my answer above. Here in the UK, many people will remember when a single telephone company existed and had a monopoly not only on line rental and call pricing, but even the purchase of devices to be used (phones, answering machines, etc). The introduction of commercial practices which restrict consumer choice is an example of a similar situation.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No. Such practices should only be allowed in very specific circumstances (e.g. prevention of terrorism prevention of racketeering), and in these situations the use of data monitoring should be overseen by the courts, not by a commercial organisation such as an ISP

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

People's definition of what is reasonable traffic management will differ and the practice is open to abuse where the provider is allow to make such judgements.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Again, 'reasonable' is open to interpretation. However, the wording is largely OK providing there is an adequate method of demonstrating that the characteristics of reasonability, transparency, etc are met.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

reasonable traffic management is the minimum management required to maintain a service, departure from this criterion is not intended in the relevant clause in the legislation.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

I Have not checked this. However, my experiences o trying to get any meaningful data from my ISP suggest that only external monitoring of their performance is likely to ensure my rights as a consumer,

What information would you like to receive about the speed of your Internet connection?

Graphic display available to me in real time

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

This question is badly worded and assumes for to much knowledge from me, and, I suspect, the average internet user. The further information available on the click button is no better. Naturally, information from ISPs should be expressed in lay terms (unlike this and some of the other questions in this survey, by the way), but this is often difficult to reconcile with the need for unambiguous legal language

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and

distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

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Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their

data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for

sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Beate](#)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Internet
Date: 08 July 2016 06:00:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?
kommerzielle Praktiken interessieren mich nicht

My name/organisation:
Beate Kastner

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
nein

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
das Internet muss FREI bleiben

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
für mich ist das Internet privat und ohne Grenzen

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
das wäre eine Unverschämtheit - es funktioniert wunderbar, vor allem ohne "traffic management

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?
alles und vor allem so klar wie möglich

What information would you like to receive about the speed of your Internet connection?
kann ich selbst erhalten

How should ISPs describe other parameters of their Internet access offers, such as quality

of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
alles muss klar dargelegt werden

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised

services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Email: Beate.Kastner1@gmx.de

Skype: Beate.Kastner1

Tel: +49 8382 50 44 008

From: [Jose Velez](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet
Date: 30 June 2016 14:54:00

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jose Vélez

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[ZR#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Steve Shepherd](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet
Date: 27 June 2016 18:13:41
Attachments: [image001.png](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Steve Shepherd

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

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Kind regards,
A concerned citizen

Steven M. Shepherd
Head of I.T. Risk

Animus Associates Ltd
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E sshepherd@animusassociates.com

cid:6bd116fa04dbd64d9fea5941dc57ff3a@sshepherd-HP



From: peter.historicspeed@gmail.com on behalf of [Peter Higgins](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet
Date: 26 June 2016 18:51:22

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Peter Higgins - Private individual

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [laurent bidet](mailto:laurent.bidet)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Internet
Date: 21 June 2016 17:33:10

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Laurent Bidet

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Romain Dupont](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Internet
Date: 15 June 2016 21:40:50

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
AnonDblock

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Irene Campbell-Browne](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Internet
Date: 16 July 2016 12:13:44

To whom it may concern,
No company should monopolize the Internet, it should remain as it is.
It was designed for all to enjoy and benefit, not just for large organisations to be greedy with.

Kind regards

From an ordinary member of the public
Irene Marlow

[Sent from Yahoo Mail on Android](#)

From: [Mathias Allary](#)
To: [NN-Consultation](#)
Subject: Internet
Date: 16 July 2016 07:58:22

I herewith demand to preserve a democratic Internet with equal possibilities and chances for every user without privileges for some Groups, Companies or Persons. Defininations like "Special Services" should be limited to a few, strictly non commercial services. There shouldn´t be a system of different data handling. In a free world, the access to data shouldn´t be depending on groups or companies.

Mathias Allary, Munich

From: maz@skunkamazer.com
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Internet
Date: 15 July 2016 21:46:36

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Mazen Sukkar

Founder

Skunk Amazer

[NN#1v2]

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[SpS#1v2]

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
Mazen Sukkar

From: [Brian Taylor](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: internet
Date: 16 June 2016 12:05:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

I don't think there is a demand

My name/organisation:

Brian Taylor

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Whilst the NHS Spine must be protected at all cost from hacking, etc. I can think of no reason for any other service that should not be on the open internet.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

As above, apart from NHS there is no justification for a company to 'cordon off' a portion of internet access for its own services.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

I see no positive impact, only negative, at least from the consumer's point of view. The net would quickly become a nightmare of inaccessible websites, unusable services and people would either have to fork out ever increasing amounts to use it or just stop using it except when absolutely essential.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes I do. For example a search engine could offer an ISP money to encourage all users through that search engine by reducing speed when a user tries to use a different one.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No!

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc.)?

Apart from gaming (and I am not a gamer) I do not see a reason for prioritising traffic.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Quality and speed should remain consistent regardless of the type of content being accessed. ISPs cannot manage traffic in a way which would block, alter, slow or throttle access to any specific application, service or content. In short, discrimination should not be allowed.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples. Reasonable management would be when the internet is overladen and so it should be managed so everyone can use it to some extent. Unreasonable would be to stop access to some content in favour of others. I would not be happy if I was trying to pay a bill online and the page timed out because of traffic management.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions? I think the information is fairly clear though whether it is what they practice is another matter.

What information would you like to receive about the speed of your Internet connection? I have not had a problem with this since you get an estimate based on your line which is usually fairly accurate.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

I have insufficient knowledge of this area to make a comment

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to

circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National

Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those

conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Steinar Stefferud](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu; steinarstefferud@yahoo.se
Subject: INTERNET
Date: 07 July 2016 03:55:41

Ingen mera restriksjon av det almena nyttan av INTERNET

[Sent from Yahoo Mail on Android](#)

From: Jan.Radtke@t-online.de
To: [NN-Consultation](#)
Cc: allow-submission-to-berec@consultation.savetheinternet.eu; j.r@janradtke.de
Subject: Internet
Date: 14 July 2016 10:37:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their

data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Kind regards,

Dr. Jan Radtke
Dorfstrasse 37c
16761 Hennigsdorf
Germany

Get [Outlook for iOS](#)

From: [John Baer](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: Internetneutralität
Date: 07 July 2016 17:57:19

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
John-Vernon Baer, Rentner

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

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Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

John-Vernon Baer

From: [NoiBob Muller](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Subject: ISP consultation
Date: 06 July 2016 15:21:33

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?
http: all connections should always be free.

https: connections where the ISP is not involved in the security should always be free.
ISP's should get their earnings only from the technical services they provide. They should NOT be allowed to take money from FaceBook and others to somehow plug those services. ISP's should be treated like water suppliers. It's up to the consumer if they want to drink the water, shower or play with the kids in the garden.

My name/organisation:
r muller

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

There should be a feature or a user's choice to dramatically slow down the upload speed (to only a few bytes per second) if the user wishes to prevent hackers from stealing large amounts of data. With upload speed turned down, it would take ages for a screen capture jpg of a bank payment to leave my computer. For normal internet browsing the upload speed isn't really important. What I propose is a bit like 'Flight' mode, but without stopping access to the internet.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Of course there is and will be a demand for specialised services. Just looking at what it takes to see or interact with a GP makes it blatantly obvious. With good (and secure)connections and a bit of smart software a GP should be able to properly see many more patients than now, without the need for the current secretarial entourage . The paper shifting should stop.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

There are many positive and negative impacts imaginable. Access to the open Internet

should be guaranteed and ISP's should NOT be allowed to by themselves offer 'specialised services'. Specialised services providers should have a different legal entity from the ISP and they should buy whatever capacity they need from an ISP

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

The internet and the equipment to access it is already full of undesirable commercial practices. I just bought an Acer laptop. McAfee probably paid Acer to be allowed to load their 3 months free starter software on it. They actually Block Microsoft's Defender from being accessed in any way. The laptop comes with all kind of games, links and even an offer to synchronise all my data with some cyber server in China. Without software like PCdecrapify, I'd be manipulated into an insecure and costly internet environment. It's the same with smartphones and smart phone internet packages. They all try to manipulate the consumers.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No. ISP's should be treated as utility suppliers.

There is already an NSA and a GCHQ, we don't need ISP's to become Stazi agents.

Of course to comply with government orders to block access to certain IP addresses or websites, there should be a software system in place for ALL ISP's to adhere to the rules set by the Government of the day. Technically ISPs should not have to 'manage' such system. The management of it should be done by the Courts or GCHQ

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

It's probably unavoidable that there will be some squeezing here and there. The one who pays the bill (in old terms the 'Pater Familias') should be setting the priorities. Let's say he or she must allocate 10 points to whatever they want. For me that would be http: 3 https:2 video:2 p2p:1.

The ISP should feed my wishes into their software, and all the clients together would have set the squeezing program to whatever they want. Perhaps more difficult than the more crude methods that are in place now, but it would be far more democratic.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

It all depends on the integrity of the ISP. In the UK my experience is with Virgin and they are reasonably good. In the far east I have had to switch ISPs again and again, because they all squeeze to the point that I can't even get to my email at certain times. As long as there will be a good code of conduct imposed to ISPs in general, the European mentality is that they will want to provide a decent service,

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide

examples.

If ISPs squeeze international traffic in favour of domestic traffic, it can easily grind things like email or banking completely to a halt. If on top of that they would own some of the data traffic it's a recipe for unfair treatment. For example I could imagine that Sky ISP, having the rights to a world cup match, would rather see Netflix crash, rather than their own branded traffic.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

ISPs should be governed like the Stock Exchange. No insider trading allowed. The EC should be able to ask ALL ISPs to provide data in a standard format, set by the EC.

What information would you like to receive about the speed of your Internet connection? It's like VW's MOT tests. I know the speed I get from my ISP is 'crap', but when I go to any speed checker, miraculously the speed goes up immediately.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

There should be a minimal standard to which each ISP must adhere. That standard should be set either for a single user, or for a standard family. For a single user, the standard should be more or less flawless. Where families share 1 subscription, as things are they can't have perfect video, P2p, Skype, Viber, Line all at the same time. In due course however, one may expect ISPs to ask how the bill payer would like to see squeezing -if any- has to be done. If I pay the bill and I want to watch Netflix, then I want my ISP to know I go first and P2P can wait.

[NN#1v2]

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[SpS#1v2]

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Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft

guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and

the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Robert Milne](#)
To: allow-submission-to-berec@consultation.savetheinternet.eu; [NN-Consultation](#)
Subject: ISP regulation
Date: 15 July 2016 13:04:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration. Amongst the 'standard' text derived from the questionnaire I completed in order to generate this email you will find some views and statements which are entirely my own - please therefore read it carefully before consigning it to the recycle-bin! (To facilitate your reading I have used [Navy](#) ink for my own replies/comments..)

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

I'm sure the big companies must love the idea that paying premium-prices for their own internet access can effectively stymie the efforts of their smaller competitors to place their goods and services before the wider public. The temptation to go to the web-site at the the top of any list provided by a search engine is almost irresistible.

My name/organisation:
Robert Milne

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet? [Censorship \(for purposes of child-protection and perhaps prevention of other crimes - terrorism being high on the list but less toxic forms of dissent being montored 'just in case'\)](#).

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

[Remote control of certain domestic appliances - home-security and heating systems, entertainment centres, perhaps even coffee makers!](#)

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

[Malicious use of some services without fear of detection and prosecution could possibly encourage mischief-makers \(as distinct from hard-core hackers, including fraudsters and terrorists, who will do it anyway\) to cause mayhem just for the fun of it. On the positive side, sales of firewalls and other security systems would rise and we'd all become much more aware of the need to use passwords stronger than "Password001".](#)

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

In a free and fair market place no commercial organisation should be able to 'buy' preferential access to any form of infrastructure, be that the postal service, the road network, energy supplies or the internet. It follows that these so-called 'commercial practices' are ultimately a barrier to the single market. The Council would appear to have a duty under article 26.3 of the Treaty on European Union to prevent such practices.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No. It seems to me that such a measure is bound to involve an element of delay; the packet-switching system is designed to ensure that bundles of data travelling by separate routes arrive at their joint destination in a timely manner for re-integration as a coherent stream of information. Inspecting individual packages could interfere with that process and thus introduce errors and delays. Even if it doesn't, there's still a little too much of the "Big Brother is Watching You" about it. Furthermore, it seems like a disguise, a device to conceal the mechanism of censorship behind the mask of network efficiency.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

I'm all for stopping the children from wasting their lives watching fatuous pop-videos and posting narcissistic 'selfies' on inane 'social media' but that is probably better accomplished by educating them to have better taste. The problem with allowing ISPs to do this through prioritisation or its converse is that they (or more likely the algorithm underlying their software) will become the arbiters of - effectively - good (and bad!) taste. Can anyone guarantee that neural-net-based AI won't develop fascist tendencies?

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Probably not, but this isn't just about me - we have to look at the bigger picture and see the implications for free trade, free speech and non-discriminatory allocation of resources by all suppliers.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Slowing down my email to the editor of (e.g.) New Scientist to allow faster passage of advertisements for internet-connected furry dice (an invention for which the world must now be ready: patent to be applied for once I close this questionnaire) would in my view constitute an unreasonable traffic-management measure. On the other hand, some things are (perhaps) even more important than said emails - tracking availability of human organs for transplant, perhaps - and a case can be made for prioritising these. That, however, should be done openly and transparently with built-in procedures for objective and impartial scrutiny, as happens in other areas - town planning, for example - where the rights of the individual must be weighed against the needs of wider society.

What information would you need to make an informed decision about your

Internet connection? For example: traffic management. commercial practices or technical conditions?

All ISPs should be bound by the same rules on commercial practices/traffic-management, and if we can achieve that then only factors such as speed, cost and reliability will determine my choice.

What information would you like to receive about the speed of your Internet connection?

Speed, cost, reliability (Being cynical though, I wouldn't necessarily expect truthful answers to my questions concerning even those fundamentals let alone in relation to more sensitive topics such as those under discussion here.)

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Few people would understand terms like "latency, jitter [and] packet loss" so employing them could be construed as an attempt to blind the customer with science. Perhaps consumer organisations should be encouraged to award blobs/stars for technical merit and thus provide a more user-friendly guide to ISP competence, whilst ensuring that the numbers underpinning their judgements are available to those sufficiently interested and competent to make use of them.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase

market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

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Kind regards,
Robert Milne

From: [Steve Rockcliffe](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Its our internet
Date: 17 June 2016 11:27:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Steve Rockcliffe

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

Steve Rockliffe

From: [Joost Ramaer](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Joost Ramaer's Stakeholder comment regarding the BEREC net neutrality guidelines creation
Date: 07 July 2016 15:05:04

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Joost Ramaer

[NN#1v2]

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Kind regards,
A concerned citizen

JOOST RAMAER

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Op al het werk van ARDANT – Joost Ramaer zijn [deze algemene voorwaarden](#) van
toepassing

From: [Jens](#)
To: [NN-Consultation](#)
Subject: Just another stakeholder comment regarding the BEREC net neutrality guidelines for your consideration
Date: 28 June 2016 18:31:21

Dear Madam or Sir,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name is Jens Buthe (38y, Germany).

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet? I'm praying to God that whenever I'm in need to get in touch with e-health that it's provided by a dedicated line, instead of sharing the line with other stuff, optimized or not, ...

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

In my eyes there's no preferential treatment without discrimination, like light and shadow.
As soon as there's a payed fast lane, the ISPs have the need to create incentive to sell them.
This incentive is usually causing discrimination.

In addition, privacy has a high value for me!

Using a specific service presupposes that my ISP has to sniff through all my traffic, identifying if it's specialised or not, who could want that?

On the other side, if they have to sniff all my traffic, what about encrypted connections?

What about my VPN connection? What about my https connections?

Are encrypted and therefor unidentified connections by default on the "slow lane"?

Would I have to send my traffic unencrypted to be able to use a fast line?

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Privacy has a high value for me!

Not paying for a specific service presupposes that my ISP has to sniff through all my traffic, identifying if it's for free or not.

Usually, if I'm not paying for something I'm not the customer but the product.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

The content of my conversation/phonecalls is none of the telephone providers business, why should it be different for the ISP and the content of my traffic?

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

It's hard to judge if there's something like good traffic or bad traffic!

e.g. The words P2P or FileSharing are usually used as if this techniques were limited to illegal actions only and therefor has to be de-prioritised or blocked, ignoring that a whole lot of (e.g. software) update or (e.g. podcast) distribution functionalities are based on this protocols.

In addition, the ISP shouldn't sell a line with a dedicated capacity if they're unable to provide it.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Traffic management should be an exception in "emergency" situations, but not the every day rule.

In addition who shall judge which protocols / data in good or bad / important or unimportant, the ISP?

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Reasonable traffic management kicks in, when an emergency / extreme situation occurs.

If there's an accident on the highway, it's fine to block the road for all users.

If there's no accident there shouldn't be any blocking for anybody.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

Usually there's a clear definition missing.

What's "file sharing"?

Is it port related, protocol related, content related?

How can I verify if and/or why I have been throttled?

What's happening to traffic that cannot be reated due to encryption?

In addition a font size >4 would be helping as well, ...

What information would you like to receive about the speed of your Internet connection?

A realistic number would be appreciated.

Please leave me alone with "up to ...".

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access

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Please treat this comment confidentially and don't publish it.

Thanks for reading and regards,
Jens Buthe
(A concerned citizen)

PS: Please excuse the mixture of template and own thoughts!

From: [Dott. Ing. Luca Salvadori](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Keep Internet free
Date: 18 June 2016 17:43:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Luca Salvadori - Milano, Italy
Freelance IT Consultant

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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Kind regards,
A concerned citizen

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Dott. Ing. Luca Salvadori

Ordine degli Ingegneri Prov. Milano
Num. Iscr. 15935 Sett. B, C
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Skype: ing.luca.salvadori
PEC: luca.salvadori2@ingpec.eu

From: [Ralph Heinz](#)
To: [NN-Consultation](#)
Subject: keep it fair, keep it simple
Date: 16 July 2016 11:17:51

Dear members of the commission,

please ensure in the final regulation that discriminatory practices as zero-rating or preferred traffic for certain services with commercial value will not be possible. Of course, services in the public interest (like telemedicine services) can be preferred, but no ISP should have the possibility to let customers pay extra for advantageous traffic.

Yours sincerely,
Ralph Heinz

From: [Michael Fried](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Keep Neutrality!
Date: 14 July 2016 21:40:11
Attachments: [signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Dr. J. Michael Fried, University of Nuremberg-Erlangen

[NN#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They

cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is

logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Kind regards,
A concerned citizen

J. Michael Fried

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Dr. J. Michael Fried, fried@math.fau.de
Applied Mathematics III Cauerstrasse 11
University Erlangen--Nuernberg 91058 Erlangen, Germany
Phone: +49-9131-85-67196 Fax: +49-9131-85-67201

From: [Laurent Liou](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: keep the internet neutral
Date: 18 June 2016 10:06:15

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

if the service where zero-rating is included in the price of the internet access (cloud storage for example) then it is fair. Otherwise it shouldn't be allowed.

My name/organisation:
Laurent Liou

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
none

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
if voice and video streaming can be delivered over the internet, I don't see what other service would need an optimized connection

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
This could only increase inequality, cause some companies to secure for themselves exclusive access to some resources

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
if my ISP offers me zero-rating for one video on demand service and not for another one, then I will be strongly influenced in my choice of VoD provider. This will create the formation of cartels.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
only if it everyone benefits from it (offload purpose). Not if one specific service benefits from it.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
If some applications have to deal with real time (voice streaming), I can understand some moderate prioritization.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
if it has an impact on any user's experience.

What would you consider to be "reasonable" traffic management measures?
How can "unreasonable" traffic management measures affect you as a user?
Please, provide examples.
reasonable is if the experience of other user is not impacted.
Unreasonable would be if streaming the football cup reduces the access
to e-commerce web-pages.

What information would you need to make an informed decision about your
Internet connection? For example: traffic management. commercial
practices or technical conditions?
all three.

What information would you like to receive about the speed of your
Internet connection?
theoretical bandwidth, average bandwidth over every subscriber in
practice (by time of the day), my own bandwidth in practice (by time of
the day).

How should ISPs describe other parameters of their Internet access
offers, such as quality of service parameters (typically latency,
jitter, packet loss) and quality as perceived by end users? Should these
parameters be defined in the contract? If so, how?
the contract should offer a minimum QoS and send the averaged measured
value over one month

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low
cost of innovation and low barriers to entry. These principles ensure
that every established business, start-up or non-commercial
service—regardless of their size—has an equal opportunity to communicate
with a global audience in a manner equal to their competitors. This
driving force for the prosperity and diversity of the online economy can
only be ensured by an open, neutral and non-discriminatory Internet.
When internet providers are allowed to interfere with the decisions of
their customers by economic or technical discrimination, this freedom is
lost. Recital 1 of the EU Regulation on net neutrality says that
legislation has to be interpreted in a way that ensures our freedom to
access and distribute information and that protects the Internet as an
engine for innovation.

The current BEREC guidelines create a solid foundation for the
protection of these principles. The enormous task BEREC was left with by
the legislator has been fulfilled in a balanced and careful manner that
ensures the protection of the rights of consumers and businesses
guaranteed by the regulation. The guidelines provide much needed
clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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("services other than internet access services") under strict
safeguards. Article 3(5) and Recital 16 require the optimisation of
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Kind regards,
A concerned citizen

Diese E-Mail wurde von Avast Antivirus-Software auf Viren geprüft.
<https://www.avast.com/antivirus>

From: [Michael Ashby](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Keep the internet open.
Date: 13 July 2016 11:18:41

Dear Sir or Madam,

I petition you to take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

"Commercial practices" such as zero-rating, are a bad idea. They will skew usage and access to information in a way that is commercial, rather than unrestricted. This limits consumer choice. All internet traffic should be treated in the same way.

No "optimised services" should be allowed to be offered. All traffic should be treated equally.

Internet traffic should not be categorised. All traffic should be treated equally, otherwise competition will be stifled.

"Specialised services" will impede open competition for users of the internet.

"Specialised services" offer no positive features for the users of the internet. All services should be treated equally.

Users rights to freedom of communication need to be upheld. If I choose to communicate by VOIP or SMS rather than my landline or mobile, I should be free to do so. Traffic related to certain services should never be throttled or blocked for commercial reasons.

ISPs should NEVER be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection), and I consider it outrageous that this is even being considered.

Any traffic I generate is personal to me, and monitoring of it is an invasion of my right to privacy.

My ISP should not be able to prioritise or throttle any of my internet traffic based on what it might think I am using that data for. All traffic should be treated equally at all times.

Discrimination based of traffic purpose or content should not be allowed. If the network is busy at certain times of day, then so be it. Different types of traffic should all be routed with equal priority at all times. If network congestion is a continuing problem then the network will need to be upgraded.

"Reasonable" traffic management would be to allow ALL traffic to be EQUALLY slowed during times of network congestion. This is the same as happens with road traffic.

ISPs should make it very clear if they wish to implement "traffic management" based of traffic content or purpose. If my ISP started doing this, I would change to one that did not. There should be NO penalties for abandoning a contract early because of the introduction of "traffic management."

The speed my ISP quotes should honestly reflect the AVERAGE (over 1

week, say) speed available at my location. It should never be the 'maximum generally available'.

ISPs should provide clear information about the quality of their service (latency, packet loss etc.) in addition to the average speed they are offering.

Yours sincerely,

Michael Ashby

From: [Roel Guldemond](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Keep the internet open
Date: 06 July 2016 20:59:56

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name
roel guldemond

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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A concerned citizen

From: [Norman Willcox](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Keep the Internet open
Date: 06 July 2016 19:56:54

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Norman Willcox. Retired

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the

provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: antti.sartanen@gmail.com
To: [NN-Consultation](#)
Subject: Keep the internet unbiased, please!
Date: 15 June 2016 11:43:04

BEREC Regulators

Disallowing corporate and market powers to affect the reach, favoured content and speed of the internet as we know it should be a priority and the aim of this regulation. The direction is good, keep up the good work and push it through to the goal! :)

Sincerely,

Antti Sartanen

From: [KEITH TAYLOR](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: keep the net open
Date: 06 July 2016 22:46:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Tobias Steidle](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Kein Mehrklassen-Internet
Date: 17 June 2016 20:36:46

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Tobias Steidle

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation

guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of

Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

T. Steidle

Internet Lösungen Steidle www.steidle.com
KMMCS - Maschinelle Minenräumung und Bodensanierung Tobias Steidle
www.kmmcs.com

From: [Peter Kopshoff](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu;
verbraucherservice@bnetza.de; guenther-oettinger-contact@ec.europa.eu
Subject: Keine Umsetzung der VERORDNUNG der EU DES EUROPÄISCHEN PARLAMENTS UND DES RATES über
Maßnahmen zum Zugang zum offenen Internet
Date: 15 July 2016 09:12:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Peter Kopshoff
Freelancer

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Carsten Grohmann](#)
To: [NN-Consultation](#)
Subject: Kommentar über die BEREC-Richtlinien zur Netzneutralität
Date: 13 June 2016 21:48:31

Sehr geehrte Damen und Herren,

Bitte beachten Sie diesen Stakeholder Kommentar über die BEREC Richtlinien zur Netzneutralität.

Gibt es einen Bedarf für "kommerzielle Praktiken", wie zum Beispiel Zero-Rating? Könnten diese Praktiken deine Rechte als Endverbraucher beschränken? Bitte gib ein oder mehrere Beispiele. Ich sehe keinen Bedarf und möchte alle Dienste gleichrangig nutzen können. Eine Privilegien für einzelne Dienste lehne ich ab.

Gibt es einen Bedarf für Spezialdienste? Welche Dienste sollten diese Sonderstellung bekommen? Für Streaming und Internettelefonie kann es sinnvoll sein, die Übertragung z.B. gegenüber Download zu priorisieren. Dabei muß der Provider aber sicherstellen, daß die anderen Übertragungskanäle genügen Kapazität zur Verfügung steht, um Benachteiligungen anderer Übertragungsarten zu vermeiden.

Was könnten positive und negative Einflüsse von Spezialdiensten für die zukünftige Offenheit und Innovation des Internet bedeuten? Finanzstarke Firmen können sich eine bevorzugte Übertragung ihrer Dienste kaufen und somit andere Firmen, Vereine und Privatpersonen benachteiligen und damit auch ihrer Stellung zementieren.

Welche Informationen möchtest du über deinen bestehenden Internetanschluss bekommen (z.B. Geschwindigkeit, Quality-of-Service oder Traffic-Management)? Mich interessieren neben der Geschwindigkeit auch die Einstellungen für QoS und Traffic Management.

Soll der Internet-Provider deinen Datenverkehr überwachen dürfen, einschließlich der Inhalte (z.B. durch Deep-Packet-Inspection), um so den allgemeinen Datenverkehr besser managen zu können? Nein. Jede Art von Überwachung meines Datenverkehrs lehne ich ab,

Wie weit sollte dein Internet-Provider deinen Internet-Anschluss beeinflussen können - zum Beispiel um bestimmte Datenübertragungen zu drosseln oder zu bevorzugen (Video, P2P usw)? Nein, mein Provider bekommt von mir Geld, damit er mir einen unzensurierten und für alle Dienste gleichermaßen nutzbaren Zugang vor Verfügung stellt. Die Priorisierung des Datenverkehrs ist meine Angelegenheit und nicht die meines Providers

Die Regeln erlauben Spezialdienste nur unter ganz genau definierten Vorbehalten. Artikel 3(5) und Präambel 16 formulieren, dass die Optimierung der technischen Transferleistung nur dann erfolgen darf, wenn objektiv grundlegende Bestandteile des Angebotes sonst nicht möglich wären. Das kann nicht der Fall sein, wenn solche Dienste auch auf dem normalen, offenen, bestmöglichem (Best Effort) Internet-Angebot funktionieren. Präambel 16 legt darüber hinaus auch fest, dass Spezialdienste nicht zur Umgehung der technischen Regeln für die allgemeine Netzneutralität verwendet werden dürfen. Jede Abweichung von diesem Prinzip würde unweigerlich den Marktzugang zusätzlich erschweren und so das innovative Potential des gesamten Internets schwächen.

Die Regulierung beinhaltet genaue Regelungen, was "zumutbares Regeln des Datenverkehrs" ist. Laut Artikel 3(3) muss die gesamte Regelung des Datenverkehrs so neutral wie nur möglich erfolgen. Klassenbasierte Datenverkehrsregelung (Class-based Traffic Management) hindert den freien Wettbewerb, es könnte möglicherweise bestimmte Anwendungen behindern oder sie beschädigen, es könnte den verschlüsselten Datenverkehr stören, es schafft Unsicherheit bei der Vermittlung von Inhalten durch Anwendungen oder Dienste-Anbieter, es behindert Innovation, es kann einzelnen Nutzern schaden und kann zu regulatorischer Überlastung führen. Daher ist die Anwendung von klassenbasierten Datenmanagement dort, wo nicht-wertendes Datenmanagement ausreichen würde, weder notwendig noch den Verhältnissen entsprechend, es ist diskriminierend und intransparent für den Anwender.

Wenn Internet-Provider für die bevorzugende Behandlung von Daten Geld verlangen dürfen, ist das ein zusätzlicher Anreiz, in die Infrastruktur des "normalen" Internet weniger zu investieren und ihre Kapazitäten nicht zu erweitern, damit möglichst viele Kunden auf Spezialdienste umsteigen. Das ist besonders für Minderheiten ein Nachteil, aber auch für Menschen mit Behinderungen sowie für Startups, die sich diesen besonderen Zugang zu all den Netzen, in denen sie ihre Kunden erreichen wollen, nicht leisten können. Es schädigt so die Entwicklung eines freien, offenen und innovativen Internet-Ecosystem.

Kommerzielle Diskriminierung (Zero-Rating) beeinträchtigt mein Recht nach Artikel 3(1) über freien Zugriff und im Besonderen über freie Verteilung von Information. Wenn ein Internet-Provider einzelne Lieferanten von Inhalten, Anwendungen und Diensten via Internet diskriminiert, indem er den Zugang jeweils verschieden regelt, ist dies ein willkürlicher Eingriff in die Essenz meiner Rechte. Außerdem beschränkt es mein Recht unter der Grundrechts-Charta nach Artikel 11, 15(2) und 16. Deshalb darf eine kommerzielle Diskriminierung in den BEREC Regulierungen nicht zulässig sein.

Transparenz, so wie es die Kommission in ihrem ersten, mittlerweile abgelehnten, Entwurf der Regulierung vorschlägt, kann per se kein Gegenmittel gegen wettbewerbswidriges Verhalten sein. Transparenz kann, besonders in diesem Zusammenhang, nicht alle anstehenden Probleme lösen.

Diversität und innovative Fähigkeit des Ecosystems Internet beruhen auf geringen Kosten bei der Innovation und niedrigen Hürden beim Marktzugang. Das garantiert, dass jedes Unternehmen, sei es ein Startup oder ein nicht-kommerzielles Unternehmen, egal wie klein oder wie kapitalstark, das Potential hat, ein globales Publikum zu erreichen, das ebenso groß ist wie das der Konkurrenz. Diese treibende Kraft für wirtschaftlichen Erfolg und Diversität kann nur durch ein offenes, neutrales und nicht diskriminierendes Internet garantiert werden. Wenn Internet-Provider die Entscheidungen ihrer Kunden durch technisch oder ökonomisch begründete Diskriminierung beeinflussen, geht diese grundsätzliche Freiheit verloren. Laut der ersten Präambel zur Regelung der Netzneutralität müssen alle gesetzlichen Regelungen im Licht diese Ziele beurteilt und interpretiert werden.

mit freundlichen Grüßen,
Carsten Grohmann

From: [Juergen Schwarz](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Subject: Kommentar zur Regulierung der Netzneutralitaet
Date: 15 July 2016 17:12:11
Attachments: [signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

Das Grundprinzip des Datentransportes im Internet ist bisher "best-effort", also so schnell wie möglich ohne Ansehen des Inhaltes oder Ursprungs der Daten. Für ein freies Internet sollten also allein Kriterien, die dieses Prinzip achten, für die Gestaltung der Geschäftsbeziehungen zwischen Netzbetreibern und -nutzern zulässig sein.

My name/organisation:

Juergen Schwarz, 63179 Obertshausen

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

My understanding in english is much better than expressing my opinion, so i will answer in german.

Für mich wären gesundheitsbezogene Dienste wie z.B. verbindungsichere und ausreichend leistungsfähige Datenverbindungen für Operationen bzw. Operationsassistentz denkbar. Fernsteuerungs- bzw. Assistentzsysteme für Verkehrsmittel wären auch eine denkbare Anwendung, sollten aus meiner Sicht aber hauptsächlich für Gemeinschaftsverkehrsmittel statt Individualverkehr zur Verfügung stehen.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Ich denke, ja (siehe oben).

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Als negativen Aspekt spezialisierter Dienste, die in Verbindung mit einem Internetanschluss angeboten werden, sehe ich die Verfestigung des immer noch starken Stadt-Land-Gefälles in der Netzversorgung, da auch die Nutzer spezialisierter Dienste sich im städtischen Raum bündeln werden. Hier wäre auf die Sicherstellung einer angemessenen Grundversorgung zu achten.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Ähnlich wie im Bereich von Bürosoftware-Paketen oder messaging-Apps sehe ich die Gefahr der Bildung von Quasi-Standards auf der Grundlage einzelner Anbieter mit hohem Marktanteil, die in der Konsequenz zu einer Beteiligung am entsprechenden Produkt bzw. Angebot "zwingen", um im Austausch bleiben zu können. Und wie dort wird es schwierig sein, diese Marktmachtkonzentrationen erst hinterher, also nach deren Entstehen

anzugehen. Von daher sollte man die Entstehung solcher Konzentrationen durch Angebotspakete nicht auch noch erleichtern bzw. sogar fördern.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Nein. Ausserdem ist eine Diskriminierung verschlüsselter Kommunikation zu befürchten, da diese nicht eindeutig zuzuordnen wäre - und das würde dem eigentlich sinnvollen und wünschenswerten Zuwachs verschlüsselter Kommunikation (z.B. im Bereich email) entgegenlaufen.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Gar nicht.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Ja, ich denke schon. Wie soll Diskriminierung ohne Ansehen des Inhaltes oder der Herkunft der Daten funktionieren?

What would you consider to be "reasonable" traffic management measures?

How can "unreasonable" traffic management measures affect you as a user?

Please, provide examples.

Begründetes Verkehrsmanagement wäre für mich gegeben, wenn damit der sonst eintretende Zusammenbruch der Verbindungen verhindert würde.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

Datenübertragungsrate, Bindung an Endgeräte vs. freie Endgerätewahl, Preis, Angaben zu Art und Umfang evtl. Datenverkehrsmanagements,

What information would you like to receive about the speed of your Internet connection?

Angaben zur tatsächlichen mittleren Datenübertragungsrate, die mögliche Höchstgeschwindigkeit der Verbindung, aber auch die zugesicherte Mindestgeschwindigkeit.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Die Angaben sollten nicht allein in technisch messbaren Größen erfolgen, sondern auch anhand praktischer Anwendungsszenarien erläutert und eingestuft werden (z.B. anhand der möglichen Parallelnutzung in Familien: IPTefonie, Onlienbankink, surfen und gaming gleichzeitig)

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an

engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines

and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”.

BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every

deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Thilo Brai](#)
To: [NN-Consultation](#)
Subject: Konsultation zur Netzneutralität
Date: 15 July 2016 15:28:39

Hallo, liebe EU.

Ich finde es eine sehr schlechte Idee, dass ISPs den Netzverkehr selektieren und alle, die weniger bezahlen, eventuell weniger schnell im Netz vorankommen.

Auch die Idee, dass Firmen Kooperationen gegen andere bilden und nur Netzverkehr der Mitbewerber bezahlt werden muss, ist gegen mein Verständnis eines freien Markts.

Wenn die Netze gebaut werden, dann für alle!

Mit freundlichen Grüßen
Thilo Brai, München

From: j.fredrik.larsson@gmail.com
To: [NN-Consultation](#)
Subject: Let the internet be free and fair
Date: 15 June 2016 13:29:25

BEREC Regulators

Please help making sure that the telcos and the ISP:s compete on a level playingfield with price, availability and bandwidth as the means for competition and not be allowed to use subsidized content since this limits the human development.

Sincerely,

Fredrik Larsson

From: mamoune90-loisirs@yahoo.fr
To: NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu
Subject: liberté Internet
Date: 24 June 2016 18:55:02

Je serais prête à signer votre pétition, malheureusement, je ne connais pas ou très peu l'anglais et je ne peux signer à l'aveugle. Dommage car je suis tout à fait pour la liberté d'Internet.

cordialement

Mamoune

From: [Franck Tata](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Liberté
Date: 03 July 2016 18:24:05

Il apparait évident qu'il faille protéger la liberté d'expression sur Internet et le droit à l'information.

From: [stefan.harjes](#)
To: [NN-Consultation](#)
Subject: lobbyists
Date: 15 July 2016 06:27:08

A main argument of people voting for Great Britain leaving the European Union was the impression, that Brussel is even more than London or Washington ruled by lobbyists. This leads to laws which help large cooperations and protect their markets from competitors. Large cooperations are often among the least innovative organizations. This is especially true for telecommunication cooperations, which tend to form and protect monopolies.

Net neutrality is a strong way to prevent the formation of a monopoly by giving everybody equal access. If the European lawmakers fail to protect it, innovation in the EU will suffer and more countries will find arguments to leave the EU as well. Thus, net neutrality is in the very own interest of European lawmakers, as when removed, it will be another small step to the dissolution of the EU.

Regards
Stefan Harjes

From: [Javier Cabeza](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 July 2016 16:19:39

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Javier Cabeza

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Zinat Lawangin](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 July 2016 14:58:43

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Hask Lawangin

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Christopher Hirtler](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 July 2016 14:11:07

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Christopher Hirtler

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Fran Bonilla](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 July 2016 13:27:50

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Francisco Bonilla Gutiérrez.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Hartmut Walther](#)
To: [NN-Consultation](#)
Date: 16 July 2016 13:24:37

Das Internet muss stärker international auf kriminelle Machenschaften untersucht werden.

From: [Fernando A. Rodríguez](mailto:Fernando.A.Rodriguez@serinformaticos.com)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 16 July 2016 12:18:23

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Fernando Rodriguez, SerInformaticos

[NN#1v2]

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Kind regards,
A concerned citizen

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Enviado desde mi teléfono.
Disculpa mi brevedad.

Muchas Gracias.

--

Fernando A. Rodríguez
Servicios Informáticos Especializados

FRodriguez@SerInformaticos.es
@SerInformaticos
961 19 60 62
635 62 08 97
www.SerInformaticos.es

From: [flavio fenati](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 July 2016 12:15:37

Save internet

From: [Jan Steglich](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 July 2016 11:58:47

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jan Steglich

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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[ZR#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of

these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Kind regards,
Jan Steglich

From: Enn.Matsoo
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:NN-Consultation:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 16 July 2016 11:43:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Enn Matsoo

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Stephan Osterfeld](#)
To: [NN-Consultation](#)
Date: 16 July 2016 11:31:36

Dear Sir or Madam,

No average consumer has the time to read critically the 43-pages of draft guidelines. However, the media is rightly urging users to contribute to the discussion. Please ensure that the guidelines are implemented in a strict fashion. The possibility of "priority lanes" on the internet, (some data being processed before other) would considerably hurt the internet's ability to spur innovation.

Kind regards

SO

From: [Brian Holland](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 July 2016 11:19:16

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
brian holland

[NN#1v2]

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From: [Stephan](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 July 2016 09:13:31

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My name/organisation:
Stephan Thomas

[NN#1v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

--

stephan thomas

From: [Stephan](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 July 2016 09:12:39

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

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Kind regards,
A concerned citizen

--

stephan thomas

From: [Carmen M](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 July 2016 03:01:26

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Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Riccardo Gentile](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 15 July 2016 23:23:25

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
riccardo gentile

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left

with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups

that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees. Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Kind regards,
A concerned citizen
riccardo gentile

From: [Christopher Czerny](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 22:37:17

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Christopher Czerny

[NN#1v2]

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Kind regards,
Christopher Czerny

From: [Peter Münch](#)
To: [NN-Consultation](#)
Date: 15 July 2016 21:13:33

Leave the net open and equal for everybody without any privileged net-using!

From: [Jan Bruder](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 19:37:02

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jan Bruder

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6 July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and

consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Stefan Drazkowski](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 18:40:19

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Stefan Drazkowski

[NN#1v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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Kind regards,
A concerned citizen

From: [Florence Moreau](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 18:31:47

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? no demand for the end users, this commercial practices are for corporate. It help them to understand our usage of internet and services. Those corporate can create services and sell them to others corporate.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

users should use internet the way they want, isp can't choose for users. No specialised services could justify a difference.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

there are new usage of internet since few years but we can't deny some of them for others

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

positive : specialised service will be better

negative : users will focus on 3 or 4 services and forget all other possibilities. development of new technologies and services will slow down

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

isp should monitor the traffic to prevent a breakdown (and administrative management) but use something like deep packet inspection limit our rights. Users have the right to do what they want and access to website all over the world

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

The EU Regulation requires Internet service providers to treat all traffic equally : But in France some ISP limit the usage of Youtube for exemple... So ISP already interfere with our internet connection.

It's not their job to prioritise, users should use their connection the way they want. Users pay to access Internet not some services on internet

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

for prevent breakdown isp should manage traffic on their network (administrative management, router management, technical issue...), users freedom won't be limited on this case only

What information would you like to receive about the speed of your Internet connection?

Some explanation when isp have breakdown

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

They should describe quality of service parameters (typically latency, jitter, packet loss) before someone would subscribe. For my exemple my isp sell me an ftth access but we have a lot of packet loss so our connection is really unstable. If I knew their QoS I had choose another connexion

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Angélique Caste](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:NN-Consultation:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 15 July 2016 17:41:20

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Angélique Caste

[SpS#2v2]

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From: [Joseph Pallamidessi](mailto:Joseph.Pallamidessi@ec.europa.eu)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 15 July 2016 15:14:20

-----BEGIN PGP SIGNED MESSAGE-----
Hash: SHA256

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Pallamidessi Joseph

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees. Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and

144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet. It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice

creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

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Version: Mailvelope v1.5.1

Comment: <https://www.mailvelope.com>

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From: [Ruairi Carroll](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 14:50:07

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Well, any financial benefit to the user is going to be adopted without question. So there is a demand. Just like there was a demand for faster horses before the car came along.

My name/organisation:
Ruairi Carroll/Klarna.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
ISPs do not exist to do value-add, ISPs should deliver bits only.

We do not have value added services to our electricity, to our water. We expect power from the wall and water from the tap.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
No

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
Services drive traffic. Traffic is the metered service ISPs offer, so it's in their own best interest to be able to deliver ALL services across their pipes equally, to gain the benefit of openness.

The path forward is not with throttling some services, the path forward for ISPs is to stop flat rate access fees and move to a metered service model.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
Yes, and no.

The issue we have at play is because people are treating the internet as a state sponsored service (like water, power, roads etc). It absolutely is not, it's a group of commercial organisations. Thus I have no rights, only what is agreed upon in ToS.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
Absolutely yes. Monitoring exists to stop congestion and do correct traffic planning. This

is essential to the correct operation of an ISP.

However this data should not be used to give unfair advantages to certain actors over others.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? All traffic should be treated equally. If I cause congestion on myself, that is my fault.

It's like using a tap. If I open it too much and overflow my cup, that's my own fault, not the water company's.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

No

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Unreasonable traffic management is to ISPs refusing to peer directly with content creators or providers.

Reasonable traffic management is ISPs having multiple paths to content providers and creators, and picking the paths which best suit their business model.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

A deep technical understanding of BGP, as well as an understanding of how they're connected to the outside world, their peering policies (ie: open, restrictive, selective, ratio dependent), what level of oversubscription they run at, future expansion plans, platforms, QoS/CoS policies and what caches they have on-net.

What information would you like to receive about the speed of your Internet connection? "Speed" in terms of a home internet connection is meaningless. I need to understand oversubscription ratios to transit/peerings and on-net cache boxes.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

The mechanism for this already exists in business grade ISP contracts. Defining and measuring jitter across - literally - trillions of packets a day is not a task that can be done, nor will it ever be financially viable.

ISPs should state oversubscription ratios, as well as providing a clue at how hot their transit and peering links are running.

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Steffen Schmitt](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Date: 15 July 2016 14:41:38

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Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My organisation:
Bäckerei Steffen Schmitt

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Kind regards,
A concerned citizen

From: [Mike Byrne](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 14:14:58

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Mike Byrne

[NN#1v2]

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [David Robbie](#)
To: [NN-Consultation](#)
Date: 15 July 2016 14:09:44

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

Zero rating is another name for exploiting bandwidth prioritised to paid for subscription information. Detrimental to consumers who must have equal access to all providers of information and resources if the free scope and wide ranging network of human innovation is to be supported.

My name/organisation:

David Robbie

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

My opinion is that an exception may be made for e-health where this support for actual surgical or emergency hospital practice that may use internet channels. This could be allowed to prioritise over other kinds of network traffic but not general health services as such which should not be given any exception in terms of priority. Perhaps also other emergency connections as well. Although not "security" such as spying or checking on individual people.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

See my previous point. A service supporting the emergency support to health might be permitted. I cannot see reasonable cause for any others.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

In any circumstance where part of internet bandwidth can be exploited for specialised commercial services will be detrimental to the best use of the internet as a location for sharing the best of our individual endeavour and curiosity.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

They could limit my access to all possible providers by default sending me prioritised information from their "zero point" suppliers which the end user would find it hard to identify and detect not noticing that their full access had been limited by these auto-delivery services. Any service where information arrives to me prioritised makes it harder to identify or reach different or diverse sources of information.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Although I can foresee circumstances when resources are more limited where this might be a step that could be taken I do not see any need for it at this stage, nor for the foreseeable future 4 -5 decades. It would be extraordinarily detrimental if the step needed to be taken.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Such usages should not be limited at this time.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Some freedoms would be restricted by such a step.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Traffic should not be limited at this stage

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

As much disclosure as possible should be supplied.

What information would you like to receive about the speed of your Internet connection?

Full information if possible.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users?

Should these parameters be defined in the contract? If so, how?

Clear information should be provided. Percentages of outages could feasibly be supplied perhaps.

[NN#1v2]

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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[ZR#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Kind regards,
A concerned citizen

Sent from [Mail](#) for Windows 10

From: [gerard](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 13:28:16

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name:
Gerard

[NN#1v2]

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Kind regards,
A concerned citizen

From: [Alejandro TS](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 13:00:38

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Server altrisi

[NN#1v2]

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Kind regards,
Alejandro Trillo

From: [Des Kilmartin](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 12:58:32

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Desmond kilmartin, Carrigeen, Craughwell, Co galway, Eire.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Peter Witt](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 12:48:10

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Peter Witt

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft

guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Simple Gabriel](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Date: 15 July 2016 12:39:03

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Simple01

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

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Kind regards,

A concerned citizen

From: [Dietmar Schlback](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 11:56:36

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dietmar Schlback

[NN#1v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Jim Reed](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 11:17:04

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
James Reed

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Anna Closa](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 11:08:05

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Anna Closa Slow Food

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

AnnA CLOSA

portable 06 88 30 35 75

[convivium Slow Food Midi Toulousain \(facebook\)](#)

From: [Richard McClain](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 11:04:35

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Education

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Not sure

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Maybe, who determines the degree of time sensitivity?

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Unreasonable practices may interfere with timely e.g. medical info & tests, banking, bill paying

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

Clear info on necessity

What information would you like to receive about the speed of your Internet connection?

Real honest speed info

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Yes if people wish to evaluate products & services

[NN#1v2]

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Kind regards,
A concerned citizen

From: [Franz Urlau](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 10:10:08

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Franz Urlau

[NN#1v2]

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Kind regards,
A concerned citizen

From: [Roberto Salvi](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 09:33:19

lease take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

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From: [Anett Hoppe](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 09:26:37

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My name/organisation:
Anett Hoppe

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Hubär](#)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 15 July 2016 09:21:26

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Torsten

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Von meinem iPhone gesendet

From: [Wolfgang Dauber](mailto:Wolfgang_Dauber)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 15 July 2016 08:58:05

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Wolf Dauber

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Toshko Dragov](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 08:51:48

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Toshko Stoyanov

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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A concerned citizen

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My name/organisation:
Toshko Stoyanov

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in

Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of

the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Joseph Reid](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 July 2016 08:07:39

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Joe reid

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Kind regards,
A concerned citizen

Sincerely,
Joe

From: [Christian Bruder](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Date: 15 July 2016 01:14:46

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Christian Bruder

[NN#1v2]

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Kind regards,
A concerned citizen

From: info@hotel-europa-city.de
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 15 July 2016 01:14:22

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Guido Dahmen

10829 Berlin/Germany

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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Kind regards,

A concerned citizen

From: [Immanuel Kunz](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 14 July 2016 23:20:27

Dear Sir or Madam,
Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Karl Wagner

[NN#1v2]

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[SpS#1v2]

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[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular

applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Manfred Beckers](#)
To: [NN-Consultation](#)
Date: 14 July 2016 23:17:15

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Manfed Beckers

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Nuno Milagre](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 14 July 2016 22:29:43

Keep the internet free of extra charges, no fast lanes, no hierarchy of results of search based on payments and lobbies.

Keep users online activity out of reach of big companies.

Kind Regards
Nuno Milagre

From: [Christian Degenkolb](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 14 July 2016 21:16:50

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

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[SpS#1v2]

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Kind regards,
A concerned citizen

(von meinem Mobiltelefon gesendet)

From: [Moritz Böhm](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 14 July 2016 20:08:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Moritz Böhm

[NN#1v2]

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From: [Yannick Lebert](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 14 July 2016 14:18:04

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Yann Hert

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft

guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Julie Théze](mailto:Julie.Théze)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 13 July 2016 23:24:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Julie Théze

[SpS#1v2]

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Kind regards,
A concerned citizen

From: [Matthias Wisotzky](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Date: 13 July 2016 12:11:41
Attachments: [signature.asc](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

There is an artificial demand if all you can get is lousy mobile internet but still can stream e.g. youtube. But there shouldn't be one.

My name/organisation:

Matthias Wisotzky

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

None.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Not for me.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Prioritizing some services over others leads to degeneration of these other ones.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

I am forced to use services which can afford zero rating agreements because of limitation of my bandwidth.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

HELL NO! No way, NSA. We have seen where this leads, thanks to Mr. Snowden.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Not at all. I like to make my own choices and can limit P2P if I want to stream.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes.

What information would you like to receive about the speed of your Internet connection?

Garantied minimum speed

Traffic management policies

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Yes, they should be described. One way to do it would be to give acceptable ranges.

[NN#1v2]

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A concerned citizen

From: [Maureen/dom](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 13 July 2016 10:37:40

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dominique MOYSE

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

DY MOYSE

From: [Konstantin Krenz](#)
To: [NN-Consultation](#)
Date: 12 July 2016 12:32:08

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Konstantin Krenz

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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[TM#1v2v2]

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Kind regards,
A concerned citizen

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Diese Nachricht wurde von meinem Android-Mobiltelefon mit K-9 Mail gesendet.

From: Mr.ron.lamont
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:NN-Consultation:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 11 July 2016 22:22:37

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Mr. Ron Lamont

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Ewan](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 11 July 2016 19:10:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Ewan Mackie

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[SpS#2v2]

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Kind regards,
A concerned citizen

Sent from [Mail](#) for Windows 10



This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: [Manuel Tobias Schiller](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 11 July 2016 17:47:25
Attachments: [OpenPGP digital signature.dat](#)

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

No, there is no demand.

My name/organisation:

Manuel Schiller

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

I cannot think of any, right now. If providers have the bandwidth, it seems much better to let the users decide what they want to use it for, than having providers prescribe offers, and make users pay for what they may not even want.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

No.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

I cannot see a positive impact. All vastly successful internet businesses have initially relied (and most still do) on the non-discriminatory way in which internet traffic is transported. The "internet revolution" could not have happened without it, and we would be foolish to hamper our ability to innovate only to make a few telecommunication providers more profitable.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes, they do limit what I can do as end user. For example, as a particle physicist, I work a lot from home during my off-hours, and our experiment depends on such contributions. The wide variety of specialist protocols we're using and the high bandwidth requirements that we have will never be recognised by providers or regulators as "special services", and will therefore be penalised. Thus, essential research is held back by commercial interests. I'd much rather decide myself what kind of internet connection I want, and then use it as I see fit, than having it prescribed to me (in the sense that network capacity is held back for certain commercial applications that I won't use, and could benefit from).

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No. This is a very dangerous practise, and must only be employed in extreme cases (e.g. if so ordered by a judge to prevent a crime, or in case of serious network degradation by a single user).

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

The ISP should not prioritise. I know what I want to do with my internet connection, not my provider. If they offer a way how I can tell them what to prioritise, that's okay. But I do not want my traffic shaped based on what a provider thinks best.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes. My provider does not know which of the services I am using are time-sensitive, and experience shows that they get this sort of thing wrong if you don't have usage patterns that "follow the herd".

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Reasonable traffic management is to disconnect users who disrupt others, or cause problems. But if I pay for bandwidth, I want to be able to use it. For example, when working in high energy physics experiments, lots of time-sensitive and data-intensive traffic goes over my home internet connection. If my provider were to manage that traffic, they'd likely deprioritise it (since it's an absolute niche set of applications), thus crippling my ability to react - sometimes with devastating effects (for example, when controlling a high energy physics detector remotely in case of emergencies).

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

I need the guaranteed upstream and downstream link speeds, and latencies to the wider internet for different packet sizes, and the price. Everything else I pick depending on what I need from whoever provides it in the form I need. My ISP should not decide that for me.

What information would you like to receive about the speed of your Internet connection?

Uplink and downlink speeds, and latencies to the wider internet, that match what I measure. Anything else is superfluous.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Standard network engineering terms are sufficient. Defining them, and how they're measured, is required. For non-technical users, ISPs can give other metrics. But for those of us who know what they're doing with their network connectivity, it should be obvious to know what we're buying.

[NN#1v2]

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The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation.

It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Homepage: <http://www.hinterbergen.de/mala>

OpenPGP: 0xA330353E (DSA) or 0xD87D188C (RSA)

From: [Siddharth Rao](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 11 July 2016 15:43:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services

by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Thanks and Regards,
Sid

From: [Mega 9 Man](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 11 July 2016 01:10:30

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Groza Raul

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Manfred Winter](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 09 July 2016 16:20:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Manfred Winter

[NN#1v2]

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[SpS#2v2]

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Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management

measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Sent from the road

From: [Philipp Hanek](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 09 July 2016 09:58:15

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Philipp Hanek

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Achim Buhl](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 09 July 2016 09:22:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Buhl, Achim

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Not at all

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes. Making one thing faster, throttles down another one

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

If infrastructure is down, prio on emergency/rescue services is ok. Else slows down innovation. New services need space to expand, new services are competition, competition is good.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

Today the only information is "up to" how many mbit/s my connection can receive/send data. All else are either hidden in the contract's details or not defined at all... Even if there's a data usage limit, it isn't stated clearly before signing the contract. Even worse, each potential provider gives different set of data on his offer, thus making it ridiculously hard to even compare two services. No freedom of choice if no comparability.

What information would you like to receive about the speed of your Internet connection?

All relevant technical information necessary to be able to really compare services.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

They shall even be stated before. Customers must be in a position to compare two services. Therefore regulation on which details are relevant, how to be displayed (e.g. All have to use the same unit) and that this information must be in advertisement or just one click away.

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Christian Loch](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 08 July 2016 22:05:06

Dear Sir or Madam,

I understand that you are probably being flooded with mass-mails regarding this topic, but please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration. Internet regulation is an important task for an European government and I take great interest in the legislation about it.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Commercial practices are a fundamental mechanism of the free market. However, the government needs to restrict commercial practices when it comes to preventing monopolies and cartels. Zero rating is a practice that is preferably used by cartels to exclude competition from the market, therefore it must undergo regulation.

My name and contact info:

Christian Loch
Vogesenstr. 62
66482 Zweibrücken

Please don't hesitate to come back to me if you have questions about my statements

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Voice calls and television are expected to have excellent quality and be free of interruptions with today's technology. However, it should be ultimately the customer's decision which services they want to prioritize in their share of bandwidth.

The only exception for a service, that should have a forced priority are emergency services like the 112 emergency number.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Yes, but every user/customer has different priorities. Generally, people want those services that they're currently focusing on to be without interruption and allow background services to be interrupted.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

It is obvious, that specialized services with priorities controlled by the ISPs would lead to monopolization of internet services. Every non-ISP-related service provider would immediately face unbalanced competition by the ISPs which could always upsell their competitive offering through prioritization or zero-rating.

This will create a positive impact for large ISPs and entertainment corporations. However, innovation will not be rewarded as well in this system and is expected to slow down.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

While they cannot legally limit the rights of the end user, they can undermine these rights practically. An end user may for example have a free choice of video on demand services by law, but they will hardly chose a competitor's service if the partners of large ISPs offer zero-rating for their downloads.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Yes, particulary for services which the user has explicitely asked for to be prioritized. As stated before, the power of decision about which services to prioritize should be with the client, not the provider. However, deep packet inspection should become obsolete soon because end-to-end encryption should become the default.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

The ISP should either treat all traffic equally (except true emergency services) or prioritize the traffic in a way that the end user can choose. Legally the client has acquired the right to a certain bandwidth or a certain volume of data with their payment of the contract. Therefore, it is on the client to decide which services should be prioritized. The ISP may provide the technical means to shape the traffic. Also, intelligent defaults for non-technically educated clients should be possible. Ultimately, the client should always have the right to decide about traffic shaping, since the traffic is the deliverable from the contract.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes, given that it is the ISP's decision which content should be discriminated.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Traffic management undermines the end user's right to choose freely between different online services. However traffic management is reasonable in the following cases:

- a) True emergency services. Examples: The emergency line 112, mobile data for devices of fire fighters, THW, red cross etc.
- b) Traffic management to enforce contract parameters. E.g. when an internet service contract only allows a certain volume of "high speed data", the provider has to have the right to enforce this by technical means.
- c) User chosen shaping. An ISP may add value to their services by giving the end user the possibility to choose their own priorities for certain traffic.
- d) Abuse prevention: For example if resources of a client have been hijacked and are used to attack other services (e.g. with DDOS), a provider must have the right to limit the internet connection to prevent abuse of services.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

Since traffic management directly influences the quality of different services, the information about such measures is crucial for making informed decisions. All commercial and technical conditions must be part of the contract by current legislation anyway. This is a fundamental feature of contract law.

What information would you like to receive about the speed of your Internet connection?

As an advanced user, I would certainly like to receive more detailed information than average users. However, I would also prefer to measure these myself than rely on statements from the provider.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

These parameters can vary from end user to end user as they naturally rely on the local parts of the "physical layer". These parameters can only become part of a contract if local conditions are taken into account. For advanced users, they certainly provide added value and an ISP can improve their services with this transparency. However, regarding the mass market, they don't need to be part of every contract.

Kind regards,
Christian Loch

From: [Lutz Grunwald](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 08 July 2016 20:55:37

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Lutz Grunwald

[NN#1v2]

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The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,
Lutz Grunwald

From: [Blaszyk, Rafal](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 08 July 2016 20:05:39

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Rafal Blaszyk

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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Kind regards,
A concerned citizen

From: [Martin Krieg](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 08 July 2016 16:50:16

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Martin Krieg

[NN#1v2]

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[SpS#2v2]

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Kind regards,
A concerned citizen

From: [N Rantanen](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 07 July 2016 20:47:38

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Niko Rantanen

[NN#1v2]

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Kind regards,
A concerned citizen

Niko Rantanen
Finland

From: [M. Kool](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 07 July 2016 11:17:29

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Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

M kool

[NN#1v2]

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen
M kool

Dhr. Kool

From: [Ruth Anna](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 07 July 2016 07:01:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[TM#1v2v2]

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Kind regards,
A concerned citizen

From: [Manuel Roldan](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 07 July 2016 07:00:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Manuel Roldán García

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Livia Elek](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 07 July 2016 01:37:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
elek lívia

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Kind regards,
A concerned citizen

From: [Lucija Šilic](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 06 July 2016 21:13:07

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Igor Koshkin](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 06 July 2016 21:10:19

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Igor

[NN#1v2]

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the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [KOSTAS AVRAMOPOULOS!](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 06 July 2016 20:16:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Sent from my iPad

From: [Daan Noort](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Date: 06 July 2016 19:53:06

Internet Needs to open!! Keep it that way!!

From: [Nitro Joe](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 06 July 2016 18:53:52

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
adrian beaky co-founder of tech globally

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Kind regards,
A concerned citizen

From: [Gary Watson](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 06 July 2016 17:04:38

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Gary Watson

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[SpS#2v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [DAVID COPPARD](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 06 July 2016 16:41:56

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organization:
Dave Coppard.....Retired

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
A Fair Price by servers

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Tanguy POTARD](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 06 July 2016 16:29:06

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dr Tanguy POTARD /MG

[NN#1v2]

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce

it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Paul Bishop](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 06 July 2016 10:50:53

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Brian Bishop

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the

Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen
BPB

From: E.Johann.DreBel
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 06 July 2016 02:29:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Johann Dressel/Autor

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Es soll überhaupt nicht gestört werden, denn schließlich bezahlen ja alle für ihre geschwindigkeit kein viel Geld

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Ja Absolut das Netz gehört dem Volk, und damit ALLEN

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
Absolut Bodenlose Frechheit und Beschneidung wäre das

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?
Kann dies zwar sehr schlecht Lesen, aber mir genügt es schon von einem Einzigem Provider abhängig zu sein

What information would you like to receive about the speed of your Internet connection?
Benütze einen eigenen Geschwindigkeitsmesser für das Netz

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
Lass ich mal offen

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and

businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[ZR#1v2]

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Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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Kind regards,
A concerned citizen

From: E.Johann.DreBel
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 06 July 2016 02:14:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Johann Dressel/Autor

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Franck Boutault](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 06 July 2016 00:17:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Almost everything has become commercial. The demands come from transnational societies

My name/organisation:
Franck Boutault

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
Nothing

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
Maybe

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
Positive : all people can use it
Negative : Registration mandatory - No private policy anymore

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
Everybody will be a slave without any right except to pay

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
Certainly no

[NN#1v2]

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Kind regards,
A concerned citizen

From: [Christian Werner](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 05 July 2016 22:48:28

Dear Sir or Madam,
Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Thomas Christian Werner

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No, that's none of their business!

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

None at all. Traffic is traffic.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access

to certain sites and services, but imposes a payment for accessing the rest of the internet. It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Kehnin Dyer](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 05 July 2016 22:09:47

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Offers that are seen as extra benefits with no perceived down side. Something like free streaming via itunes on saturdays, or youtube doesn't use bandwidth limit after 6PM. I think some users really do want this. If youtube videos are free then it's a net gain if i already watch a lot. The consumer thought is there is no downside, i just get what i got before and also more youtube.

My name/organisation:
Kehnin Dyer

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Well there is everything from a special email account, virus scanning, QoS (reducing p2p packet bandwidth allowance), ISP level media cacheing. In the future there could even be things like accelerated windows 10 store downloads, or special itunes streaming, or any number of vendor specific feature. There aren't any good reason to subsidise these services or tie them to a specific ISP. If the product is good then it should succeed on it's merit. Something like ISP level cacheing sounds great, faster content, less internet level traffic, But to implement it would need to break SSL, it would need to favor specific vendors (youtube vs twitch for example) and users would notice that things don't work as well on one vs the other. In short there aren't any positives for doing it.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Not as far as I know. Most of my friends just want faster more reliable connection to every service. We don't want to pick which ISP based on what we use, because I may never get the chance to try these new services without an open and reliable connection.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Theoretically specialized services could accelerate the adoption of new tech. ISP basically loses money now to advance a specific service for the future dividends on that service. It greatly negatively impacts it in practice because a competitive implementation needs that ISP enforcement to even get off the ground.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Rights, probably not. I still have the same rights. What /is/ limited is my behaviour and access. If facebook videos are free and youtube isn't I will always check facebook first. Likely i won't check youtube at all. And the same would be true if switched. My preference doesn't factor into it because the downside to using my preference is too high.

The real problem with these services is that they presuppose that internet access is a limited factor. We only have 5 Gb per user of access! This obviously isn't the case but lets pretend it is. If I am paying for 5Gb and use them then watch another 5 Gb of "free" content I have used 2 shares of internet. The way they will deal with that is lowering the limit to account for that free content. So now i am paying the same amount for 4Gb and free services, or 3 or 2. The amount will be determined by how much people use the "free" service so that the non-users subsidize the users, despite we all pay for it.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
Good luck stopping it there. Generally yes. They need to be able to track spammers so the ISP isn't blocked by other services as a bad player for instance, but there is no accountability if they choose to use that information for other purposes, like selling it to companies, monitoring user tastes and preference for targeted advertising, and more serious things like invasion of privacy.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
In my opinion they shouldn't be able to interfere with my connection at all. If I am using it for illegal activity they should report me to authorities, but don't prioritize packets. There is no difference between the packets on the wire so there is no reason to treat them differently.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
yes. I should be the one to discriminate between online content. Whether the experience is bad or not is for me to decide not some suit.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

I think the ideal traffic management would be a 6 month log of traffic that is encrypted and only accessed with a court order. If i am using some service that the ISP doesn't know about or have whitelisted and it gets limited because they just don't know it... That is annoying at best and can be much worse. I have to use custom software for freelance jobs all the time, so having my isp block that traffic because it is different could result in lost work.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

To be truly informed I would need to know everything from what kinds of routers are used, how many, what OS and version are they running. EVERYTHING. That is unrealistic ofcourse, but then It doesn't mean i am more informed by accepting that it just means i am accepting being uninformed. The minimum I require is that it is internet and i will be able to actually use it. I have lived in a place with 1 isp in a 100 sq km area, i still used their network even though all i knew was how much it cost.

I will always pick the isp with the most information available, with adequate speeds for my needs, even if it cost more than a comparable service.

What information would you like to receive about the speed of your Internet connection?
ISP can't accurately gauge this. I would prefer a testing period where i can personally verify speeds for my usage.

Information related to speed they can give that i would like is their router down time and load usage and a graph of load for the network. That way i can test at peak load to see if it is good enough for me.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Like i said it's too hard. many of these factors are not specific to the ISP but dependant on the remote network. Up and down time of the routers along with load would provide up to the second info on if the quality is good enough for a specific user. Not all users need the same level of stability.

As for contract... that is iffy. I think a minimum level of stability and internal network speed under load should be established.

Something like : The ISP will maintain a 99.9% uptime, speeds no slower than 5Mbps. Any network downtime longer than 30 minutes is eligible for a refund, etc.

[NN#1v2]

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Kind regards,
A concerned citizen

-Kehnin

From: [Juanpe P. Bullón](mailto:Juanpe.P.Bullon)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:NN-Consultation:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 05 July 2016 18:42:53

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Saki Tzu

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[SpS#2v2]

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provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is

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[TM#1v2v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

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From: [Benedikt Stetter](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 05 July 2016 09:28:04

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Benedikt S.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Mit freundlichen Grüßen/ With kind regards

Benedikt Stetter

BEHNCKE GmbH
Michael-Haslbeck-Str. 13
D-85640 Putzbrunn

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Mail: benedikt_stetter@behncke.com
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http://www.behncke.com/fileadmin/img/Signatur/BEHNCKE_Email_Signatur_Ergaenzung.jpg



From: [Marian Horlaci](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 05 July 2016 08:50:28

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Marian Horlaci

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Louis Dumay](#)
To: [NN-Consultation](#)
Date: 04 July 2016 19:35:09

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dumay

[NN#1v2]

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Charles TRESSENS](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 04 July 2016 18:10:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Charles TRESSENS

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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[ZR#1v2]

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Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [camille.c](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 04 July 2016 01:51:22

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Guilhem Cortès / France, Région Auvergne-Rhône-Alpes, Lyon.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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Kind regards,
A concerned citizen

From: jean_ezeceh
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 03 July 2016 17:35:33

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Stuart McInnes](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 03 July 2016 15:40:07

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Commercial practices is a term for 'legislation' put in place by companies (ISP's) to allow control over their users if they feel they are using the service overly. It is a negative practice, unless a business was utilizing network bandwidth on a humongous scale or user is breaking the law.

My name/organisation:
Stuart McInnes

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
voip services should be free (provided by the ISP) as physical phone lines (along with line rentals and call charges are applied domestically/ offline)

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?
Yes

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?
positive progress towards evolving technologies is only a benefit to all of mankind (which in-toll may invoke some progress in the non-technological world and potentially benefit the health of others)

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
Streaming online content and also downloading and sending huge multimedia files on a regular basis could penalize a user (large families who use the internet for educational and personal use on a daily basis?)

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
No, this is what i believe to be an invasion of privacy. Unless there is due coarse for concern (breaking the law) then this is unacceptable behavior.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Connections should be optimized for multimedia purposes or file transfers, HTTP browsing should be of a lower priority (however this should still be of a highly acceptable level)

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Not so much freedom as user experience would be greatly affected.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

reasonable measures are ones which would impact a user if the amount of data being transmitted over networks was deemed to be on a humongous scale (terabytes). User's affected by throttling are throttled during peak hours of usage (which is when most users are accessing the internet, poor productivity)

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

No data usage limits, no throttling

What information would you like to receive about the speed of your Internet connection? Connection Download/ Upload link speed. Amount of dropouts and condition of line (noise etc) and the amount of connections currently on the same connected network.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

The more information given to the end users will ensure that clarity is given to the user to ensure that the condition and also current network capacity can perform at its stated performance (also ensuring the customer/ user feels the service they are paying for is fit for purpose).

[NN#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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[ZR#1v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [monkey chops](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 03 July 2016 14:10:53

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
shoot your mouth off films

[NN#1v2]

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[SpS#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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[TM#1v2v2]

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Kind regards,
A concerned citizen

From: alex.otero
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 03 July 2016 13:59:41

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Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [S.Chevallier](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 03 July 2016 12:56:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement

bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself.

Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Meilleures salutations

Stéphane CHEVALLIER
Tel. : +33 368 01 59 00
Mobile : +33 627 67 76 68

From: [The Jasper](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 03 July 2016 12:31:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?
no

My name/organisation:
JAsper Floor

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Internet access providers provide internet access. Any other service they provide either uses internet or takes away from that service. No service they provide can be justified as not being over the internet. Even non-commercial services would not benefit from this as such services would never get the attention needed to create a better service than general internet.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

There is no indication that the current internet infrastructure cannot handle specialized services. The infrastructure is getting better daily so there is no foreseeable need for specialized treatment of specific services.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

At best a secondary infrastructure is maintained leading to higher costs all around and stifling improvement of existing infrastructure. At worst there will be a have and have not internet.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Stifling competing services (ie, supressing gmail to promote your own email service, or supressing netflix to promote iTunes) leads to less choice for the consumer, effectively locking them in to a limited number of services. Information itself will be less accessible, as media companies pay to have their competitors removed from the consumers view.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No. This is not only a violations of users rights to privacy it would be impossible to ensure the data is only used in the way described. Policing this would be next to impossible.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
not at all.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes. The ISP's technical requirements are my technical requirements (and those of everyone else). I pay for access to data not to specific kinds of data. The issues that arise from my use are for them to solve and meet not to suppress.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Routing traffic without knowledge of the content is reasonable if that means delivering the traffic. Disabling any provably illegal traffic, such as a ddos attack, is also reasonable though the proof of that will have to come with permission from a customer to investigate.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

A truly informed decision would require years of study. It cannot be left to users to decide if a particular contract is abusive or not as the technical and legal language can obscure issue beyond even the ability of an expert to understand.

What information would you like to receive about the speed of your Internet connection? Maximum speed, average speed, minimum guaranteed speed, network down time.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

TEchnical language will not be accesible. What people want to know is can I skype, can I watch youtube, can I play online games. Are my data streams reliable.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation

from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate

implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,

A concerned citizen

Jasper Floor

From: robmclean
To: allow-submission-to-berec@consultation.savetheinternet.eu; [NN-Consultation](#)
Date: 03 July 2016 12:27:53

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name: Robert McLean

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
Specialised services should be additional services 'on the top' of, and separate to, public services

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

There is no other utility product where the monitoring of purpose of use is done. No one monitors what we use electricity, gas or oil for. This is the thin end of the wedge toward a regressive and intrusive state or commercial organisation.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

When I purchase water, no one monitors whether I use it for drinking, showering or toilet flushing. the special categorisation will allow authoritarian and regressive governments to interfere with democratic freedoms.
It will also attack entrepreneurial growth of small businesses and the freedom of home workers. Driving more people back to working in offices will involve more travel, more fuel being consumed, more pollution and in regards to a growth in traffic movements, increased congestion and traffic accidents.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
the Berec 2012 guidelines stand

What information would you like to receive about the speed of your Internet connection?

I agree with the principle "ISPs should tell you the average available speed of their connection with a specification of the maximum and minimum speed in a user-friendly way, for example via a diagram or image."

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

I agree that "ISPs should provide information on quality of services parameters in very clear language in all contracts. Concrete examples should be provided to help users understand the practical impact... and agree that "... information regarding possible issues arising when you use VoIP applications, such as videos delays or sounds effects. Basically, you should have the information you need in order to make reasonable assumptions about the quality of the service available for your particular priorities."

[NN#1v2]

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entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet.

When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
Robert McLean
A concerned citizen of the EU

From: [Frank Baur](#)
To: [NN-Consultation](#); [NN-Consultation](#)
Date: 03 July 2016 11:57:59

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Frank Baur

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation".

BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and

subsequently rejected, be considered an antidote to anti-competitive behaviour in itself.
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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Gesendet von [Mail](#) für Windows 10

From: [Frederic Defecque](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 03 July 2016 11:52:53

je voudrais me protégé mon ordinateur contre les virus sur internet

From: [Frederic Defecque](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 03 July 2016 11:48:05

je vous demande de me protégé des virus sur internet pour éviter de infecter mon ordinateur.

veuillez agréé mes meilleur sentiment distingué et cordiaux defecque frederic

From: [Huzum Mihai](#)
To: [NN-Consultation](#)
Date: 03 July 2016 09:14:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name:
Huzum Mihai-Adrian

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Alan Newton](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 03 July 2016 01:02:44

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[TM#1v2v2]

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Alan Newton

A concerned citizen

From: [Raphael E. F. Kastling](mailto:Raphael.E.F.Kastling@consultation.savetheinternet.eu)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 03 July 2016 00:55:30

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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Kind regards,
A concerned citizen
Raphael Eder Kastling

Sendt fra min iPhone

From: [Nigel Noyle](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 02 July 2016 19:56:49

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Zero rating could be of value to those who can't afford certain content or quality of support (this already exists for additional support services e.g. Symantec)The infrastructure and service provision costs does need to be re-charged to those using it.

My name/organisation:
Nigel Noyle
Nygon Associates Ltd

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

This concept of priority service maybe all well and good in areas with high band width that can support the burden with QoS (Quality of Service), however the world is not equal and the reality is that specialised services could soak up the bandwidth in rural areas and others that are poorly served by infrastructure where services would compete with each other for the available resource thereby failing everyone. Overall a bad idea. Services that required dedicated bandwidth have to consider resilience and risk and where necessary build their own infrastructure.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

There maybe a need in the near future but these could abuse their position and infrastructure paid for by others if treated differently. Think of the internet as roads and giving priority to those who paided the most. We accept emergency services getting prioiroity but would we accept it for someone in an expensive saloon car just because you have an older model? VPN (virtual private network) is already used as an approach to providing private internets within the internet.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Only time will tell. Whatever we guess now will be out of date by then.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Potentially this could happen, but only where there is restricted markets. This is most likely at the infrastructure level where access to the internet is required in the first place.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Though in principle I am against this, with the likes of Tech Savy terrorist organisations

such as ISIL, there is a real need for this capability, to identify and counter their information and win an information war that reflects in the real world as dead innocent people.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? ISP's may need to do load balancing to ensure equitable balance between availability/usage across all service users.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Potentially as this would price certain services out of reach for less affluent users.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.
Video streaming can use up local infrastructure bandwidth regardless of the ISP provider.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?
Quality of Service e.g. ping, bandwidth; technical options available Async, etc; service support functions and customer care.

What information would you like to receive about the speed of your Internet connection? Ping, band with up and down stream, quality of service (consistency of the ping and bandwidth).

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
Yes QoS should be part of the contract and could be represented in graphical terms against a benchmark standard. The QoS should be a reflection of the price of the service as much as the bandwidth.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than

internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic

management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Nigel J Noyle

From: [Jean-Pierre Declerck](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 02 July 2016 19:49:08

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Declerck Jean-Pierre World's citizen

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental

to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the

restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen



Garanti sans virus. www.avast.com

From: [feuillâtre raphael](mailto:feuillâtre.raphael)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 02 July 2016 19:03:40

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

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[SpS#1v2]

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[SpS#2v2]

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Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: molerov@web.de
To: [NN-Consultation](#)
Date: 02 July 2016 15:08:36

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

Commercial practice sounds like an euphemism for making money. Sure, there is a demand for getting traffic for free, but it's unfair to those who don't get it. There are already plans for cheaper access for extensive use based on economics of scale, they shouldn't be based on individual services though.

My name/organisation:

Dimitri Molerov

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

The internet of things might take considerably more internet traffic. This should be reflected as it is, without less traffic cost for upload and download for devices, businesses, etc.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

With specialized services, manufacturers would not be motivated to build low-traffic devices or software. Just as with electricity for businesses, costs would be externalized.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Definitely! As an end user I could be the third party not invited to the deal.

Those who pay less than the rest have a motivation to use more traffic. If this leads to peaks, internet performance for others could be jeopardized.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

Not the content itself. Rather traffic/content availability demands, i.e. differentiate between, static, dynamic websites, streaming audio/video content to ensure speed.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

If it helps enhance performance for all through better temporal distribution, then short-term prioritization of high vs. low traffic demands is ok.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

I don't think so. I imagine it like a highway with fast lanes for streaming content and slow for static websites. I don't care if my website takes a split-second longer to load (although I guess that wouldn't matter much overall). It should adapt to user behavior, though.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

If only video streaming gets high-priority and a website takes forever to load or crashes in the event, that would be unreasonable. If countries are affected differently by it, that would be unfair. Reasonable would be short-term prioritizing based on user behavior, e.g., if I change websites fast, the ISP might realize after the third or fourth one that I need more traffic now, whereas if I spend more time on a website it could slow down a bit. For server-side businesses, traffic could be adjusted according to high- and low-demand times, in a way to still have a cushion for fast use, but to expand it progressively from low to high to peak demand.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?
all of the above

What information would you like to receive about the speed of your Internet connection?

How fast it currently is, as well as the weekly overview, why it is faster/slower based on other users' behavior.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Starting with providing information on them would be nice.

[NN#1v2]

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[SpS#2v2]

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[ZR#1v2]

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation.

National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. ♦

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite

obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example. Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself.

Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,

A concerned citizen

From: [Joerg Reick](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 02 July 2016 08:41:31

From: [Ewart Guy](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 02 July 2016 00:48:16

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Tim Guy

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental

to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

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Kind regards,
A concerned citizen

From: [Jean-Louis Lachevre](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 01 July 2016 23:15:31

From: [Old Cobb](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 01 July 2016 18:33:04

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Imrich Koval

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

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Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Patrick Brochard](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 01 July 2016 18:18:03

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Patrick Brochard

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: james.wright
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 01 July 2016 17:51:49

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-

user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as

an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2), and 16 of the Charter of Fundamental Rights).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Jim

Live Long and Prosper 

Some days you're the dog..... most days you're the tree! 

Life Is A Celebration And We're All Invited  **Have A Wonderful Day!**

Hold your loved ones close, tell them you love them, for if tomorrow never comes, you'll have no regrets about today!

From: [OkHacku Septiman](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 01 July 2016 17:46:14

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
GUREMEIJI OkHacku

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[SpS#2v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Benedikt Niedernhuber](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 01 July 2016 16:40:23

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? ISPs should under no circumstances be able to prioritise or de-prioritise certain types of network traffic.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes, most certainly it would. I might not be able to use certain services at peak times or might only be able to fully enjoy or make use of a certain service at 3 in the morning.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

The only reasonable traffic management measures I can think of right now, are essentially bandwidth limits in heavily congested networks (especially on mobile). In terms of broadband landline internet access, I think there should be no extra traffic management measures. Service Providers should provide strong enough infrastructure to handle all of their users traffic.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

What sort of traffic management policy applies to my internet connection ? Are specific services like P2P or Skype blocked or throttled ? Is there a fair use policy on how much traffic I'm allowed to use, even if the service is advertised as a flatrate ?

What information would you like to receive about the speed of your Internet connection? Download Bandwidth, Upload Bandwidth, Approximate Ping Times, Up-Time in Percent

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

ISPs should map rudimentary latency, jitter and packet loss data for all their connections. Then they should state the collected data for the specific connection together with the available and expected bandwidth to the user, when he or she is ordering service for his or her specific connection. There should be reasonable and realistic lower/upper limits in contracts, to make sure the service providers actually do provide a good service for their users.

[NN#1v2]

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Kind regards,
A concerned citizen

From: bao.trinh@sfr.fr
To: [NN-Consultation](#)
Date: 01 July 2016 16:22:26

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Bao TRINH

Pierre Richard appelle à soutenir et rejoindre les Gardiens de la Terre

-- Envoyé via **helloasso**

From: [Benedikt Niedernhuber](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 01 July 2016 15:39:50

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

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Kind regards,
A concerned citizen

From: g.stanners228@btinternet.com
To: [NN-Consultation](#)
Date: 01 July 2016 01:57:48
Attachments: [SENDER_EMAILg@stanners228@btinternet@com.png](#)



Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
George Stanners home

[NN#1v2]

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Kind regards,
A concerned citizen



From: [Steveinator](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 01 July 2016 01:05:27

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? I don't believe it is right for any ISP to be able to discriminate against their users based on which services they are using. In fact I do not believe that an ISP even has the right to be viewing which sites or content their users want to access, I believe it to be an invasion of my privacy. Like wise I believe that ISP's shouldn't be able to charge their users based of the amount of data they are using, I believe everyone should be able to pay a flat rate for their internet services and recieve an equal experience regardless of their service provider, which also means that there shouldn't be extra charges for high bandwidth connections; after all what is stopping an ISP from throttling a connection in order to try and make their users pay more for a higher bandwidth package.

My name/organisation:
Stephen Robinson

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

For an ISP here in the UK such as sky TV, which is also the owner of Now TV I believe. If commercial practices were allowed they may be able to say that their service (Now TV) doesn't count towards a users bandwidth cap, where as a service like netflix or amazon prime does. Which in turn would drive more users towards either using the now TV service or just cancelling all subscriptions all together. The again as has been the case with an american ISP and netflix, sky may ask netflix to pay a premium to the ISP in order to allow their users to use the service without it counting towards the cap in which case we are back in the same position that they are now able to take a larger number of consumers as opposed to amazon prime or any other subscription service.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

As mentioned in one of my previos answers I do not believe that an ISP should be given the right to monitor an individuals habits on the internet including the services and content that the decide to use while connected to the internet. Even if it was argued that by doing so they could better "optimise" the flow of traffic on their network if a high number of users were using large amounts of bandwidth in connections to streaming services we'd be back inm the same position as it would effectively be giving them an excuse to provide "fast lanes" to certain types of services.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

I don't believe that an internet service provider has any right to impose a limit in bandwith or data cap restrictions on an individual regardless of what service they are using. With the money I pay towards my ISP and line rental (here in the UK) I believe they should use to upgrade their services in order to create the best experience for their user rather than trying to make a profit in every conceivable way possible.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Something I would define as reasonable traffic management is reducing a customer's bandwidth during "peak times" IF their actions on the internet are having a negative effect on other users who are trying to access the internet at the same time. However unreasonable traffic managements may include the idea of reducing a customer's bandwidth in an attempt to pressure them into paying for a higher tier service such as fibre which would give them unrestricted bandwidth/internet use.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

When choosing an ISP personally I look at the bandwidth/speed of the internet connection I will receive (not what the advert suggests of up to 50Mbps, I want to know exactly what speed I will be able to get if I choose their network). I want to receive my internet connection with no stupidly low bandwidth caps such as 20GB per month (because with my heavy usage I would go through it in less than an hour)

I believe that the ISP should not be able to see my network traffic, I want the option to use my own networking equipment such as routers, WIFI access points, modems or network switches with support from my ISP if I choose to do so.

I don't want my ISP to be able to discriminate between the services which I use and the speed of the connection that I receive to each of these services. I don't want my ISP to be able to purposely limit my connection to the internet regardless of the time of day, I would want an equal amount of bandwidth in comparison to any other customer on the same network and infrastructure.

What information would you like to receive about the speed of your Internet connection?

As mentioned I want to know what the bandwidth will be when I use the connection, I want to know exactly what the download speed will be in MBps and Mbps (Megabytes and Megabits).

I would like to know the ping/response time to certain services when using the ISP.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

I believe these parameters should be defined in the contract, if they wish to find out what the latency is they can send an engineer to the phone exchange of my street and test it prior to me signing the contract.

[NN#1v2]

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic

traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Paul o"sullivan](mailto:Paul.o@sullivan)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 30 June 2016 19:37:19

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
paul o sullivan

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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[ZR#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Paul O' Sullivan

From: [Depak 63](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 30 June 2016 19:34:43

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Diogo Silva

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with

their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines. There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2). Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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Kind regards,
A concerned citizen

From: jordan.nyx
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 30 June 2016 19:19:49

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

[NN#1v2]

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[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Zisse Glausiusz](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 30 June 2016 15:20:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[SpS#2v2]

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: sergiosiri@fastwebnet.it
To: [NN-Consultation](#)
Date: 30 June 2016 13:08:02

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Sergio siri

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When Internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by Internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines. There are forms of commercial practices that interfere

with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. Zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-

case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2), and 16 of the Charter of Fundamental Rights).

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Animazioni GRATIS per la tua e-mail

Fai clic qui!



From: [Giuseppe Frisicaro](mailto:Giuseppe.Frisicaro@consultation.savetheinternet.eu)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 30 June 2016 11:58:54

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Giuseppe

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU

Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Giuseppe Frisicarò
frisicarò.giuseppe@gmail.com

From: [Thierry BILLET](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 30 June 2016 10:49:27

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Thierry BILLET
Ville d'ANNECY, maire adjoint à la ville du futur

[NN#1v2]

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Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Kind regards,
A concerned citizen

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Thierry BILLET
35 rue SOMMEILLER
74000 ANNECY
téléphone 06 07 14 64 23

From: [Denis CERCLET](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 30 June 2016 09:36:56

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Denis Cerclet, universit  de Lyon

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Sami Dinh](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 29 June 2016 00:09:57

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

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Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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From: [Maximilian Lehmann](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 28 June 2016 23:30:43

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Maximilian Lehmann

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Filip Strand Radonjic](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 28 June 2016 21:13:05

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Phillip Haraldson

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Simon NICOLAS](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 28 June 2016 14:21:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Nicolas Simon, Math teacher and scientific museum director.

[NN#1v2]

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Kind regards,
A concerned citizen

Cordialement,
Simon NICOLAS

From: [SEKER Elx](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 27 June 2016 13:31:40

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Ángel

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft

guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Ángel Teodoro,
A concerned citizen

From: [Haxoul](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 27 June 2016 02:55:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:

Hax

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Iain Kendall](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 26 June 2016 02:12:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
I D Kendall

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: guillaume.serrano
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 25 June 2016 18:22:05

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Serrano Guillaume

[NN#1v2]

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Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Provenance : [Courrier](#) pour Windows 10

From: sastauetwahn_QHTS
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 25 June 2016 15:55:08

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? Absolutely no. Zero rating is intransparent - how should the end user decide or overview which services are zero rated by the telco he use?

My name/organisation:
Achim Brüninghold

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

The telecom companies cann not argue that they need special services for life saving services and then switch normal ("POTS") telephone connections to the new "All IP" telephone connections - because that is exactly the opposite: the separate (old) analogue or ISDN telephone service functions even when there is a power failure because they have USV at the operation cenztral. But with the new "all ip" connections no "Red Cross emergency Call" will function when the Outdoor DSLAM or the apartment of the customer/user has a power failure. In other words: switching from plain old analog telephone "POTS" to the new "ALL IP" connections is diametral opposite of special services.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

Therefore no Outdoor DSLAM of the telcos has a USV nor any of the end users has a USV for their MODEM / FRITZBOX / Cablemodem / whatsoever it makes no sense to have a "specialised service" on the same wire with the same power source - because when electricity is gone all services are out of order. The only thing what functions without power is the old telephone system because the old telephones does not need extra power for themselves (as long as they are corded) and there is no extra electricity using MODEM with analog/digital and digital analog conversion. And of course the old telephone operation centrals have USV. But special digital services is nonsense - because there is no DAC/ADC without electrical power. And if you need privacy the best method would be something like a VPN. Therefore I see no demand for special services on / in the internet. If somebody really needs something special it would be better to dig an extra cable (make a separate connection) which does not use / is not connected with any internet cables and has its own power and USV.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

If telcos are allowed to use special services the could prefer there own daughter companies or "allied" companies. For example if telco1 has its own film/music library service it could

be possible that the use of this service is not burdening the "inclusive volume" of of the (mobile) internet "flat"rate. Flat in "", because as a matter of fact there are no mobile flatrates only "flat"rates, because the flatrates here are limited by volume of (for example) 500MB, 1GB, 2GB, etc. and - when this limit is exceeded - switched down to 64Kbit (which is around 1% of the normal speed of UMTS and below 0,5% of the normal speed of LTE). In shortly: positive affects none - negative a ton.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

I know that commercial rights are limiting my rights, especially the use of DRM: If you BOUGHT and paid for it Freelancer from Microsoft it does not work an Windows 10 from Microsoft! Because Microsoft Windows 10 busted the "starforce coy protection". If you want to use your paid product you have to use a "no CD crack"! And this is the same whith dotzens of games (For example the million selled GTA IV) and other software programs: their DRM (their copy protection) does not function any more or the only-registration servers (the activation servers) are turned off/shut down by the software companies and then your paid product is useless!

And if you are thinking that it only affects software - think again of Microsoft Zune: if you bought your music there the music now (and you money!) is useless, because Microsoft has shut down the complete service and it is now impossible to "re-activate" your bought and paid(!) products on another music player, when your old zune player get out of order / or the battery gets old and loses capacity.

Just think of it: you buy CDs or vinyls and then when your CD-Player / turntable gets out of order you have to buy all your CDs and vinyls again?! That is a kind of felony and scam! The industry scams the end user!

Secondly Sony-BMG has put a copy protection on their Music-CDs which even installed onto Windows PCs if you decided (and klicked) "NO". It was installing a root kit which is a kind of malware. In the USA (which has consumer rights) SONY-BMG had to pay a compensation to thousands of user for infecting the computers - but in EU they had to pay nothing. That is because practically end users here has no rights against big companys but vice versa big companies versus end users has every right within EU. I know theoretically end users also have rights over here - theoretically. But practically none... or why SONY-BMG has paid absolutly not even one Euro Cent compensation here for thousands of computers which was infected with their Sony BMG root-kit?

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No - therefore the letter post is not allowed to look into my letters. Otherwise the secrecy of post and telecommunications is not worth a penny any more.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? Onyl so far as it was stated in my contract with the ISP. Therefore there is nothing written about it - none. And when they want to interfere they have to madantory communicate it very clearly that they are not providing full internet service, but rather only restricted services.

And by mandatory communicating it I mean that they have to write it as large as the good features - not hidden in those fine prints (Those asterisk texts) in 1 point fonts at the end of the prospect.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Traffic management should only be allowed so far that it is absolutely necessary for keeping the net infrastructure operating safely.

Of course it is possible that slowing down one service makes it un-usable. For example online communication like skype, teamspeak, jabber, etc. needs are useless when there is too much time dilatation.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

As mentioned above an unreasonable management can make services useless.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

I would need the normal and the minimum (guaranteed) speed of my connection, and the normal and the worst case (guaranteed) ping time. The companies have to communicate and advertise what they deliver in the "worst case" for the not prioritized services. For example: if telco1 delivers 100MBit at a maximum for their own video on demand service and only 10MBit for the other services this should be mandatory advertised as a 10MBit connection not as 100MBit.

What information would you like to receive about the speed of your Internet connection? Maximum, normal and minimum (guaranteed) download speed. Maximum, normal and minimum (guaranteed) upload speed. Minimum, normal and maximum (guaranteed) ping times. Minimum, normal and maximum (guaranteed) packet loss. So therefore a 12 point matrix should be enough.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

I think that 12 values are enough - so that jitter is included in packet loss. But be it this or that - necessary is that the "worst case values" are the values which are used for advertising and communication. A internet connection which has a speed "from 1 to 50 MBit" and a "ping from 20 to 800 ms" is a 1 MBit connection with a ping of 800ms - and therefore has to be advertised as a 1 MBit connection with 800ms ping.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says

that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Kind regards,
A concerned citizen

From: [Jerome CLAUDE](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 25 June 2016 12:19:02

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jerome CLAUDE

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[SpS#2v2]

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Kind regards,
A concerned citizen

From: [Jean-christophe Diguet](mailto:Jean-christophe.Diguet)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 25 June 2016 00:05:53

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Jean-Christophe DIGUET

[NN#1v2]

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[SpS#2v2]

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[TM#1v2v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Jean-Christophe Diguet
Professional Butler
Graduate from The International Butler Academy

mobile : +62 82 313 656575
mail: jeanchristophe.diguet@yahoo.com

From: [Adriano Di Cristo](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 24 June 2016 23:01:49

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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[ZR#1v2]

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Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Pierre MARGUIER](#)
To: [NN-Consultation](#); allow-submission-to-berec@consultation.savetheinternet.eu
Date: 24 June 2016 19:16:51

NON a ces deputés de de Bruxelles qui sont la on ne sait pourquoi et qui nous coutent et je n'en dirai pas plus



Garanti sans virus. www.avast.com

From: [Franco Dalmonte](mailto:Franco.Dalmonte)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 24 June 2016 18:27:12

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From: [Kacy Luzzardi](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 24 June 2016 10:21:01

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Kacy LUZZARDI

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Kind regards,
A concerned citizen



Garanti sans virus. www.avast.com

From: [Ángel María Hernández Guerra](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 23 June 2016 21:17:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Angel MARía Hernández Guerra

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen



Ángel María Hernández Guerra

Profesor Universidad - Dpto. de Medicina y Cirugía Animal

C/ Tirant lo Blanc 7. 46115

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From: [LUL](#)
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 23 June 2016 19:40:49

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it

is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against

encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: sefa65130@gmail.com on behalf of bernard_audebert
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:NN-Consultation:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 23 June 2016 16:15:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Bernard Audebert

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
ISP should only be allowed to interfere with private internet connection in order to enforce minimal band with for other users of the network you're on

[NN#1v2]

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Danielle Bardet](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 21 June 2016 17:05:26

consulterqui, avous de lesavoir, ok,gooydebay

From: lstiore.stiore
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 21 June 2016 11:53:19

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
dr lorenzo g. stiore
scientist

[NN#1v2]

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[SpS#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Karlheinz Mohr](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 21 June 2016 08:51:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? NO need for special handling based on buying power. ONLY by logical and well thought decisions of elected parliaments.

My name/organisation:
Karlheinz Mohr

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?
Data connections including cloud storage that is not allowed to leave legal territory. E.g. to stay within the data privacy regulation in the EU (e.g. not even theoretical access by any operator/admin sitting outside the EU) or governmental restrictions (e.g. no data storage outside the UK)

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

The world needs with the IOT coming an even more safe and reliable Data connection for critical infrastructures as defined by governments.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Positive: More trust in reliability and data protection for the IoT

Negative: Bigger hurdles for niche players to enter the market of IoT in such areas.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

I hate that where ever I live for a while, google news only shows me such news that they think is relevant for my area where I momentary live. I now much better understand that the US citizen have no clue what is going on in the world. As a German having lived in the US this commercial practice of making news available as appropriate has been a nightmare to me.

The worst thing then are digital rights that apply regional restrictions which then result in the fact that I am not even allowed to watch TV news of the country I want in the country I am...

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

NO. NEVER. If traffic management is ruled by commercial practice. But if properly regulated, then yes, to protect against the dark side of the internet in all shades...

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)? Only very limited to protect critical services or to keep a minimum bandwidth open for having Telephony still possible and understandable. Also with languages that need different frequencies to be understandable than the assumed standard US English.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

Location, Data Protection Level, List of governmental access applied to my service, and LIST of all financial Sponsors behind that cheap or free offer.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of

these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
A concerned citizen

From: [Christopher S](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 20 June 2016 23:16:58

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [ulitmategamer54](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 20 June 2016 22:22:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
shea deady

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Dieter Birkenbusch](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 20 June 2016 19:58:02

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dieter Birkenbusch

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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[SpS#2v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Harry Johnson](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 20 June 2016 17:26:07

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?
None whatsoever.

My name/organisation:
Harry Johnson

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?
Increased resources for ads and commercial ventures versus non-commercial will hinder the growth of open-source and free resources.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
Never in any way. This is the same as asking if government bodies should monitor our conversations.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?
Not at all.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?
Yes.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?
detailed dumps of ISP server logs, interpretive guidelines for assessing policy, synthesis reports.

What information would you like to receive about the speed of your Internet connection?
Full and complete information, including statistics on events or processes prevented by current policies - ie: things which cannot be measured because the current policy means they never occurred.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?
Parameters and definitions should always be included in the contract, alongside interpretive guidelines and a means for complaint or to report non-compliance on the part of the ISP

[NN#1v2]

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innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application

agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Christoph Wolf](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 20 June 2016 14:34:22

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Christoph Wolf

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services

could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users." Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

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Kind regards,
A concerned citizen

From: [Fabry Van Salven](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 20 June 2016 09:59:23

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Fabrizio Di Salvo

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: Jonathan.Slotboom
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 20 June 2016 00:17:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name:
Jonathan Slotboom

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Jonathan Slotboom
+32 495 49 92 01

From: [Allan McFadyen](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 19 June 2016 20:53:10

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Allan McFadyen

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[TM#1v2v2]

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Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: p.ren.pryl@alice.it
To: [NN-Consultation](#)
Date: 19 June 2016 19:10:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Paolo Ren

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole. If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities

should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

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Kind regards,
A concerned citizen

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Kind regards,
A concerned citizen

From: [Mario Ramaj](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 19 June 2016 18:31:17

You do not allow you to enter you consenquenze throughout the world hit bersargli to anyone of us the government's war Albania also Italy will have to start alliances for legal status.

From: [Rémi Seffacene](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 19 June 2016 16:54:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view?

Commercial practice is normal, the internet is not a free human powered network where we can all share and unite. It's not (not that i know of) a worldwide public thing that belongs to everyone.

The internet in a communist world would be great, if communism was possible. But everybody needs to eat, and the companies that are on the top need to stay on the top, that is normal. My very own understanding of commercial practices is something no end user likes, but which is needed. The problem is, if i don't, then someone else will.

My name/organisation:
I'm a student in France

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Private and secure mailing or data transfer (for companies) could be an optimised service, to prevent industrial spying.

The important characteristics are trustworthiness and speed.

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

In my opinion e-heath is either an iphone/android app or a service for specialised needs. Second part is ok but we are not likely to hear much about it, while the apps will definitely make some noise, in a kind of "gadget" way (eg the connected band that tells your heartbeat and all, no regular athletic person ever needed that, only high levels and they had some better equipement even before). The web is going towards mobile data, apps. And apps are just the opposite of neutrality, since they can promote or weaken an operating system (eg snapchat not being available on windows phone).

On the opposite, connected cars have to be on a separate network, for security. But that doesn't mean connected cars will be neutral in any way. In fact, maybe the first self driving cars will be google powered, and the data be sent through google-friendly isp. Any technological improvement is made, produced, payed so it can make a benefit in the future. Just like the internet, it has been made by the US and it will help (I mean help the economy) the US before the rest of the world, and it is perfectly normal.

What could be the positive and negative impacts of specialised services on future innovation and

openness of the Internet?

Not sure i get what "openness of the internet" means.

In my opinion, net neutrality was dead and buried the day search engines started to sell ranks in the search result. That is unlikely to change.

If openness of the web means I can, wether i live in California or Shangai, post my stuff online (on my personal space and not on a server located elsewhere which i'd have to pay) and earn money with ads and having the same visibility than if i posted it on youtube, that would have a real positive impact on international competition. The question is, do we really want a wide-open internet where a hollywood batmanvssuperman3 could theoretically be overthrown in a few hours by a budget movie in a poor country. Not sure. Even more important (for most people), do we want a web where anyone can spread or hear hateful ideas ?

If openness of web just means no fast lanes, well i don't really see the point. If half the planet goes on facebook at the same time, you need fast lanes, period. But the attribution of bandwidth could be refreshed every day by an independant, non-profit organisation, that would be cool.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

I admit I don't know much about isp business, but it's like in cinemas when you can have a combo offer with mcDonalds, even though it's good neither for the economy, for mcDonalds is kind of a us giant that don't pay lots of taxes abroad, nor for the customer who'll eventually get fat after a couple. But the cinema don't have the choice as the other locals fast foods aren't as attractive.

So I think it's almost the same, cinema being isp and mcdo being facebook or youtube.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

They should, but it raises 2 issues.

-lack of confidence from non professionals users to isp

-lack of information regarding what they do if they find something illegal (eg streaming pirate movie)

of course they ain't gonna write a report for every movie piracy, but we don't know that

With all the fuss about the iphone that the fbi said they could not look into it, I wish them good luck with that. Yesterday, fact of youngest getting paranoid about electronic surveillance even when they done nothing wrong was either funny, either worrying. Today it's for the best, privacy of a system is now the key feature and all web navigators have a private window option.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

They might consider de-prioritise p2p (why on earth would they possibly do that?), and prioritise videos as they are more and more videos on a single web page.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

If isps time sensitive webpages, most webpages would get time sensitive

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

mostly commercial practices, to know what companies i'm supporting by choosing this connection

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

maybe there could be something like every time connection slows or breaks i get a refund from what i pay them. but that won't happen

[NN#1v2]

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From: massimo.cimarelli@iol.it
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 19 June 2016 15:56:33

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Massimo Cimarelli

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of

these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

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Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Maria Isabel da Cruz Jacinto](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 19 June 2016 13:36:19

Gesendet von Windows Mail

From: [Udo Rauch](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 19 June 2016 10:55:12

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
udo rauch

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#1v2]

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would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

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Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides

the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation".

BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Jean Molénat](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 19 June 2016 05:37:51

I agree to protect net neutrality. Jean Molenat.

From: [Isabelle Burger](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 18 June 2016 22:41:00

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Burger

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[TM#1v2v2]

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Kind regards,
A concerned citizen

From: [Dino Tonitini](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 18 June 2016 16:59:34

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Dino Tarrigno

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

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[SpS#2v2]

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic

management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [lino licandro](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 18 June 2016 16:54:36

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
lino

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [luke](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 18 June 2016 14:23:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

i understand commercial practices as any buisness need. there will be no end to who qualifies as commecial practice.

My name/organisation:
luke johnson walker

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet? all internet access should not be prioitised under any circumstance

Is there a demand for specialised services (i.e. services offered in addition to internet access that provide optimised connections to particular services like e-health or connected cars)?

no, the resposibility for the abilty to connect with full accessabiliy should remain equal.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

by using any other reason to throttle users in favour of premium users will only lead to abuse.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

yes, as an end user my internet will be throttled unless i qualify or subscribe to a premium service. this is a dangerous slope

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

no, the post office dosnt read our mail to determin weather the contents should be prioritied or not!!!

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

not at all

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

yes

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

whilst i dont believe in traffic management, the current policies in place for throttling upload speeds for a limited time when A use breaches the isp's traffic mangament policy is as far as this though go. an unlimited usage policy is just that. we all wok and use the internet in differant ways, just like driving.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

i always pick an isp that does not use traffic management, even though they may all advertise unlimited usgae, its the small print you have to read.

What information would you like to receive about the speed of your Internet connection?

the truth!

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

yes, and they should be written so the average end user can understand instead of being allowed to hide behind technical jargon

[NN#1v2]

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The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16

require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

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Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

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approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Nico Blée](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 18 June 2016 13:15:43

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations

on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on

the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Kind regards,
A concerned citizen

From: [Martino Camerino](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 18 June 2016 12:06:17

From: [Fabio Svanetti](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 18 June 2016 11:34:10

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

**My name/organisation:
Fabio Svanetti - T.R.T.**

**Do you think that commercial practices could limit your rights as an end user?
Could you provide examples?
No, if done correctly without discrimination**

**Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?
NO!**

How much should your ISP be able to

interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

NoneNo

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Not really

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

ALL interferences

What information would you like to receive about the speed of your Internet connection?

Complete and reliable

How should ISPs describe other

parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

I'm not qualified to tell.

[SpS#1v2]

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[SpS#2v2]

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Paragraph 118 of the draft BEREC

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**Kind regards,
A concerned citizen**

From: [David Peters](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 18 June 2016 01:42:11

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
D. Peters

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of

these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

Kind regards,
D. Peters

From: [Liam Farrell](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 17 June 2016 21:56:25

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name:
Liam Farrell

[NN#1v2]

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[SpS#2v2]

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Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups.

Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic

management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Kind regards,
Liam Farrell, concerned citizen.

From: [Simon Bezenšek](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 17 June 2016 20:06:55

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Simon Bezenšek

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Frans Dammers](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 17 June 2016 19:51:12

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Frans Dammers

[NN#1v2]

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In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures. Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Kind regards,
A concerned citizen

From: [Lfish](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 17 June 2016 17:15:21

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Leigh Fisher

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Richard Sutton](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 17 June 2016 15:21:12

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? No. Such practices are rarely explained in sufficient form to consumers and they often pay the price. By complicating the market, you are complicating the consumers' ability to make the best decision for themselves. Many consumers are already the victims of telecoms' scams.

For example, in Germany, by signing up for a new phone contract, consumers are often already given a form which allows the telecom to take money straight from their accounts when using services on their account. This 'box' is left ticked by default and the salesperson must merely skim over what this box on this legally binding contract means. When later, some unscrupulous advert that a tablet user accidentally touches automatically takes money from the user's account, the user is not aware of the fact. A program silently runs, the consumer is unaware that they have 'bought' some bogus thing until their bill comes from the telecom at the end of the month. The telecom refuses to do anything about this illicit use of their services because they make a percentage of the profit everytime this bogus company sells their non-existent product. Where can the consumer go for redress? There is no consumer protection law prohibiting such an act and it's standard practice by all telecoms so there is no alternative. And your average grandmother has neither the means, nor the time to start a court case against a telecom and little hope of winning.

In short, commercial practices are usually a nice way of saying legal scam.

My name/organisation:

Richard Sutton

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Local authority websites (such a voting services, access to local healthcare, police, tax returns). So long as they provide services essential to the people of the area and are not used to influence citizens' opinion (i.e. canvassing before an election). Reliability is important as it can act as a lifeline to people in need. Security is also essential for such services as they handle sensitive/ confidential information.

Is there a demand for specialised services (i.e. services offered in addition to internet

access that provide optimised connections to particular services like e-health or connected cars)?

Whilst there is demand, such services cannot be awarded to limited companies and must either be an essential service, usable through publically available APIs, or usable by local authorities and non-awardable to specific companies (i.e. the Department of Health cannot award a company exclusive use and profit from an e-Health service. The DoH would have to pay a one time development fee, and the service would have to be available to all, without any boundaries (except maybe a Nationality/ residence status check).

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

+ Easy to use and fast services.

- Customers gravitate towards such services because of their convenience and alternatives suffer.

- Customer loyalty is artificially established.

- As soon as all alternatives have left the market, the provider can hike up fees without any consequences.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

See above box.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No. There is already too much monitoring. This leads to a serious invasion of privacy and opens individuals and companies up to exploitation.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Not at all.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Reasonable traffic management might be if a business often uses very large amounts of data for professional reasons to the point where other users are affected by the traffic.

They can be limited unless they pay extra for their commercial use of bandwidth.

Unreasonable is when an individual uses a large amount of data due to commercially available products such as video streaming or game playing and are strangled for their effect on the network. If they are standard users, the ISP should adapt to general usage.

What information would you need to make an informed decision about your Internet connection? For example: traffic management, commercial practices or technical conditions?

All of the above. Expected average download and upload speed should all be clearly given in Mbs.

What information would you like to receive about the speed of your Internet connection? As above. A clear diagram for the area would also be informative to show actual physical effects of hardware and distance.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

ISPs should always offer basic level use for average consumers (allowing good quality VoIP and gaming) and this should be clearly defined in the contract. Lower level quality should not be offered as it disadvantages those on low incomes or older/ younger people.

[NN#1v2]

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[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and

should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

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From: manfroncelli@gmail.com on behalf of [claudio_manfroncelli](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 17 June 2016 11:44:02

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
claudio manfroncelli

[NN#1v2]

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Kind regards,
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Claudio Manfroncelli, Italy

From: [Julien Freulon](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 17 June 2016 11:16:07

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Julien Freulon

[NN#1v2]

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

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[SpS#2v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

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Please treat this comment confidentially and don't publish it.

Kind regards,

A concerned citizen

From: [Jean Laporte](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 17 June 2016 11:01:08

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term “commercial practices”? Do you think there is a demand for “commercial practices” such as zero-rating, from the end users’ point of view? There is a demand for video.
if this is allowed, it immediately gives a rent advantage to some video providers over others.

My name/organisation:
Jean Laporte

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

None available for general consumers.

Security update are not time critical as to allow for an exception.

Banking services are not time critical as to allow for an exception.

Specific services to be allowed by exception for:

- Emergency communication services (police/firemen/ambulance video feeds)
- Classified diplomatic /military communication services
- Professional healthcare services (remote surgery... NOT individual consumer health monitors)

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Similar to the current move from browser to app based access.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

limiting access to Google GPS services, youtube (as free/illiad has done at times)

Allowing fast speed on some services, reducing available bandwidth to others (e.g. your neighbour watches soccer on priority with the same ISP, and your access is abnormally reduced for online gaming)

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No.

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

None.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Yes, based on your preference for mainstream activities.

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Global throttling of a network zone (not user specific but zone specific) to prevent a breakdown.

Anything else is unreasonable.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

a table summarizing all impact.

What information would you like to receive about the speed of your Internet connection? average timegraph of available DL/UL speeds over a week (weekdays vs weekends)

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters (typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

most users are not knowledgeable enough to understand this. general grades should be applied if requirements are met over 99.5% of the time:

- pro gaming
- gaming
- 4k video streaming
- HD video streaming

[NN#1v2]

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Kind regards,
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From: fab.mal@tiscali.it
To: [NN-Consultation: allow-submission-to-berec](#)
Date: 17 June 2016 01:36:40

Dear SiNN-Consultation or Madam,

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My name/organisation:
Fabrizio

[NN#1v2]

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fab.mal
fab.mal@tiscali.it
2016-06-17

From: [Erika Otto](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 20:43:02

Dear Sir or Madam,

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My name:
Erika Otto

[NN#1v2]

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Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Erika Otto

From: [Ben Mawson](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 20:39:02

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management? Absolutely not. An ISP has no more right to monitor my use than Royal Mail does to open my mail (a well entrenched principle that should be applied to all personal communication).

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised

services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-

by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

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Ben Mawson BA IMS
Industrial Engineer
Mawson Consulting
07939 572278

From: [Miss Peach](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 20:27:13

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

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[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Dag](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 20:23:32

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[SpS#2v2]

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[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Adrian Pfaff](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 20:21:40

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Adrian Pfaff

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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A concerned citizen

From: [Massimiliano Ianniello](mailto:Massimiliano.Ianniello)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:NN-Consultation:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 16 June 2016 19:32:55

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[NN#1v2]

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[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations

on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs’ assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Paco Jones](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 16 June 2016 17:56:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet. It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation. Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of

applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy.

Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Cristian Gazzato](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 17:50:31

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Cristian

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Francesco Di Ruscio](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 16:21:41

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Francesco Di Ruscio

[SpS#1v2]

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Kind regards,
A concerned citizen

From: [AnD AnD](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 14:30:36

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
davide galante

[NN#1v2]

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [TC DE DEVANDER](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 14:03:57

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations

on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

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It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Thibault & Céline DE DEVANDER
tc.dedevander@icloud.com

From: [Lucie gauthier](#)
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 13:10:07

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Provenance : [Courrier](#) pour Windows 10



Garanti sans virus. www.avast.com

From: [Peter Oldfield](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 12:39:38

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
peter oldfield

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[TM#1v2v2]

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Kind regards,
A concerned citizen

From: Andreas.3.Koehler@conti-engineering.com
To: NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 16 June 2016 07:29:54

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Andreas Köhler
Continental Engineering Services

[NN#1v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [K.R.L. Pourtier](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 06:13:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Kevin Pourtier

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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[SpS#2v2]

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[ZR#1v2]

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Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of

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[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

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Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: giovanni.pappalardo
To: [NN-Consultation; allow-submission-to-berec@consultation.savetheinternet.eu](mailto:allow-submission-to-berec@consultation.savetheinternet.eu)
Date: 16 June 2016 02:40:09

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Pappalardo Giovanni

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Aidan Doyle](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 02:07:10

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

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[SpS#1v2]

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If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

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Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Vincent Puthod](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 June 2016 00:51:40

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
PUTHOD Vincent

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

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A concerned citizen

From: [Claudio Proietti](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 15 June 2016 23:53:02

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Claudio Proietti

[NN#1v2]

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[TM#1v2v2]

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Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Götz Hoffart](mailto:Götz.Hoffart)
To: allow-submission-to-berec@consultation.savetheinternet.eu
Date: 14 June 2016 23:19:51

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

My name/organisation:
Götz Hoffart, Freiburg

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to "guarantee the continued functioning of the Internet ecosystem as an engine of innovation". BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

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measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Hans Pauli Sundstein](mailto:hp@sundstein.dk)
To: erst@erst.dk
Date: 12 June 2016 18:43:51

hp@sundstein.dk

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliabiity) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

When internet providers are sponsored by service providers on the internet, to reduce the cost of their users internet access, there is a problem howto get EU to regulate this.

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Positive: better access to more services, without restrictions. Negative: A higher cost for the internet access.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

If my mobile phone provider includes services in my mobile card that are without data roaming, otherr similar services can be more expensive and slower to use.

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

I am afraid of, that the parlaments in all our contries, will set the rules for this, so we have it in Denmark.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

Med venlig hilsen
Hans Pauli Sundstein
Nørregade 35,
7200 Grindsted.
Tlf. 35 26 88 22
E-mail: hp@sundstein.dk
Hjemmeside: www.hapasu.dk

From: [Walter Levy](#)
To: [NN-Consultation](#)
Date: 10 June 2016 05:27:31

Dear Sir / Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

Is there a demand for “commercial practices” such as zero-rating? Could these limit your rights as an end-user? Please provide examples.

Not sure

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

It could allow them to slow down services which interfere with their profits

Is there a demand for specialised services? Which services should be allowed this special treatment?

None

Should the ISP be allowed to monitor your traffic, including its content (e.g. through deep packet inspection) for the purpose of traffic management?

No

How much should your ISP be able to interfere with your Internet connection - for example to throttling or prioritise certain types of online traffic (video, P2P, etc)?

Not at all

What information would you like to receive about your Internet connection, such as its speed, quality of service or how your traffic is managed?

All of it

The Regulation allows specialised services only under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This cannot be the case with services that can also function on the open, best effort Internet. Furthermore, Recital 16 prevents specialised services from being used as circumvention of the general net neutrality traffic management rules. Any deviation from these safeguards to widen the applicability of the concept of specialised services would inevitably result in increased market entry barriers and thus weaken the innovative potential of the Internet as a whole.

The diversity and innovative capacity of the Internet ecosystem is built upon the low cost of innovation and low barriers to market entry. These principles ensure that from day one, every enterprise, startup or non-commercial service – no matter how small or well funded – has the potential to reach a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy is only ensured by an open, neutral and non-discriminatory Internet. When ISPs are allowed to interfere with the decisions of their customers by economic or technical discrimination, this essential freedom is lost. According to Recital 1 of the Regulation on net neutrality, the legislation has to be interpreted in light of these goals.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

When ISPs are allowed to charge for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, to encourage their customers to increasingly use specialised services. This effect will be detrimental for minorities, disadvantaged people and startups that cannot afford special access to all networks in which they may want to reach customers, and the development of the free, open and innovative Internet ecosystem.

Economic discrimination (zero rating) interferes with my right under Article 3(1) to access and, in particular, to distribute information freely. When an ISP discriminates between providers of content, applications and

services via an Internet access service by making them unequally accessible, this constitutes an arbitrary interference in the essence of my right. Furthermore, this practice restricts my rights under the Charter of Fundamental Rights (Articles 11, 15(2), and 16). Therefore, economic discrimination must not be allowed under the BEREC guidelines.

The Regulation has very clear rules on what constitutes reasonable traffic management. According to Article 3(3), all traffic management should be done in an application agnostic way, if possible. Class-based traffic management harms competition; it risks unintended damage to specific applications; it can discriminate against encrypted traffic; it creates uncertainty for content application and service providers; it stifles innovation; it can harm individual users, and can create regulatory overload. Therefore, applying class-based traffic management in situations where application agnostic traffic management would suffice is neither necessary, proportionate, transparent for the user, nor non-discriminatory.

Kind regards,
Walter Levy

From: [Antonio Vinci](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Date: 16 July 2016 16:23:52

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation. The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines. Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word “other” before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the “detriment of the availability or general quality of Internet access services for end-users.”

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

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is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

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In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against

encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

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According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

Please treat this comment confidentially and don't publish it.

Kind regards,
A concerned citizen

From: [Leon Fellows](#)
To: [NN-Consultation](#)
Subject: mehr Netzneutralität
Date: 15 July 2016 10:28:04

Sehr geehrte Damen und Herren,

bitte berücksichtigen Sie diesen Stakeholder-Kommentar bezüglich der BEREC-Leitlinien zur Netzneutralität.

- Die Regeln zur Netzneutralität schützen uns alle vor übermäßigem Einfluss von Konzernen auf unser Internet und fördern Vielfalt, Gleichberechtigung, Wettbewerbsfähigkeit und Innovation.
- Wenn wir "Überholspuren" für die höchsten Bieter erlauben, müssen sich alle anderen mit einer "Kriechspur" abgeben. Diese Diskriminierung würde es unabhängigen Medienbetrieben, Start-ups und Bürgerbewegungen wie unserer erschweren, neben dominanten Akteuren wie Google und Facebook zu existieren.
- Ich bitte Sie dringend darum, alle Schlupflöcher in den derzeitigen Vorschlägen zu schließen, die es Dienst Anbietern ermöglichen würden, bestimmten Inhalten Priorität einzuräumen und durch Vorzugsbehandlungen, "Zero-Rating" oder klassenbasiertes Verkehrsmanagement zum Torwächter zu werden.
- In Brasilien, den USA und Indien haben die Regulierungsbehörden strenge Regeln zur Netzneutralität eingeführt, nachdem ihre Konsultationen bei den Bürgern auf überwältigende Resonanz gestoßen sind. Jetzt ist Europa an der Reihe, ein offenes und demokratisches Internet zu schützen.

Aus diesem Grund bitte ich Sie darum, die aktuellen Leitlinien-Entwürfe entsprechend der folgenden politischen Analyse zu ändern:

<https://avaazimages.avaaz.org/GuidelinePolicyAnalysisPdf.pdf>

Mit freundlichen Grüßen,
Leon Fellows

From: [Des](#)
To: [NN-Consultation](#)
Subject: RE: Automatic reply:
Date: 15 July 2016 13:09:27

Thanks for your receipt

From: [NN-Consultation](#)
Sent: 7/15/2016 10:58 AM
To: [Des Kilmartin](#)
Subject: Automatic reply:

This is an automatic acknowledgment of the receipt of your email. Thank you for your contribution to the NN Consultation. The BEREK Office team.

From: [A Thompson](#)
To: [NN-Consultation: allow-submission-to-berec@consultation.savetheinternet.eu](#)
Subject: Re: EREC net neutrality guidelines
Date: 06 July 2016 20:06:04

Dear Sir or Madam,

Please take this Stakeholder comment regarding the BEREC net neutrality guidelines creation into consideration.

What is your understanding of the term "commercial practices"? Do you think there is a demand for "commercial practices" such as zero-rating, from the end users' point of view?

My understanding is that this implies discrimination amongst users and that the only demand would be from large multinational corporations wishing to control the internet and dis-advantage small competitors.

My name/organisation:

A J THOMPSON

What other "specialised" or "optimised" services (that can be give specific additional characteristics like speed or reliability) in addition to Internet access, can be offered by Internet access providers? What are the characteristics of such services that would justify the fact that they are not offered over the internet?

Health Care, Emergency Services

What could be the positive and negative impacts of specialised services on future innovation and openness of the Internet?

Positive-If extra revenue from specialised services is entirely re-invested in infrastructure/security/encryption for the benefit of all users.

Negative-Over commercialisation of the Internet in variance with the philosophy of openness and equality endowed at its inception.

Do you think that commercial practices could limit your rights as an end user? Could you provide examples?

Yes, restrictions on encrypted traffic, discrimination between users ex. users that are considered "un desirable"

Should the ISP be allowed to monitor the traffic of their users, including the content of the traffic (e.g. through deep packet inspection) for the purpose of traffic management?

No

How much should your ISP be able to interfere with your internet connection - for example to prioritise or de-prioritise certain types of online traffic (video, P2P, etc)?

Possibly depending on the Mega Bit per second requirements of a user so that low volume users are not swamped out by heavy traffic from say, video, very large file transfers, etc. To a large extent this is already dealt with by contention on internet accesses.

Would your freedom be limited if ISPs discriminated between online content based on their technical requirements like time sensitivity?

Not understood

What would you consider to be "reasonable" traffic management measures? How can "unreasonable" traffic management measures affect you as a user? Please, provide examples.

Solely based on volume.

What information would you need to make an informed decision about your Internet connection? For example: traffic management. commercial practices or technical conditions?

Contention, effective debit, reliability, latency, jitter, packet loss, discrimination between users

What information would you like to receive about the speed of your Internet connection?

Effective up/down load speeds graphically per day/week/month.

How should ISPs describe other parameters of their Internet access offers, such as quality of service parameters

(typically latency, jitter, packet loss) and quality as perceived by end users? Should these parameters be defined in the contract? If so, how?

To be as transparent as possible on all the parameters that they monitor.

[NN#1v2]

The diversity and innovative capacity of the Internet comes from the low cost of innovation and low barriers to entry. These principles ensure that every established business, start-up or non-commercial service—regardless of their size—has an equal opportunity to communicate with a global audience in a manner equal to their competitors. This driving force for the prosperity and diversity of the online economy can only be ensured by an open, neutral and non-discriminatory Internet. When internet providers are allowed to interfere with the decisions of their customers by economic or technical discrimination, this freedom is lost. Recital 1 of the EU Regulation on net neutrality says that legislation has to be interpreted in a way that ensures our freedom to access and distribute information and that protects the Internet as an engine for innovation.

The current BEREC guidelines create a solid foundation for the protection of these principles. The enormous task BEREC was left with by the legislator has been fulfilled in a balanced and careful manner that ensures the protection of the rights of consumers and businesses guaranteed by the regulation. The guidelines provide much needed clarification to the text, but need to be further specified in a few points.

[SpS#1v2]

The EU Regulation on net neutrality allows specialised services ("services other than internet access services") under strict safeguards. Article 3(5) and Recital 16 require the optimisation of specialised services to be objectively necessary for the functionality of key features of the service. This would not be the case with services that could also function on the open, best-effort Internet. Furthermore, Recital 16 prevents specialised services from being used to circumvent general net neutrality traffic management rules. Any deviation from these safeguards that would widen the applicability of the concept of specialised services would increase market entry barriers and thus weaken the innovative potential of the Internet as a whole.

If ISPs are allowed to charge online services for preferential treatment, they have an incentive to stop investing in network capacity for the "normal" Internet and reduce their data caps, in order to encourage their customers to use specialised services. This effect would be detrimental for minorities, disadvantaged people, not-for-profit services and start-ups that cannot afford special access to all networks. This would also be detrimental to the development of the free, open and innovative Internet ecosystem.

[SpS#2v2]

Specialised services allowed under the EU Regulation must come with their own capacity, separate from the Internet access service. They cannot undercut the average maximum bandwidth that the EU Regulation guarantees.

Paragraph 118 of the draft BEREC guidelines suggests that the delivery of specialised services could limit an individual end-user's Internet access service capacity. This is not in line with Article 3(5) of the EU Regulation. It also contradicts the requirements for the provision of specialised services in paragraphs 113 and 117 of the draft guidelines.

Furthermore, the legislator clearly established its intention to ensure that end-user's Internet access service capacity remains unaffected by the delivery of specialised services by modifying the wording accordingly during the negotiations. In these final negotiations on 6. July 2015, the legislator decided to delete the word "other" before "end-users" in Article 3(5). That final version of that article now establishes that specialised services cannot be usable or offered to the "detriment of the availability or general quality of Internet access services for end-users."

Finally, paragraph 118 of the draft guidelines is not in line with Article 4(1)(d) of the Regulation (on transparency) nor with paragraphs 142 and 144 of the draft guidelines, as the average and maximum bandwidth agreed between the ISP and the end-user are no longer met.

[ZR#1v2]

"Zero-rating" is a commercial practice imposed by internet providers. It allows unlimited access to certain sites and services, but imposes a payment for accessing the rest of the internet.

It is good that there are a number of clear restrictions on zero-rating in BEREC's draft guidelines. However, if most of the current forms of zero-rating are going to be banned or severely restricted, why not ban zero-rating altogether? That would cut five pages from the guidelines and make the job simpler for the National Regulatory Authorities whose job it is to implement the guidelines.

There are forms of commercial practices that interfere with users' rights protected under Article 3(1) of the EU Regulation to access and, in particular, to distribute information freely. When a commercial practice of an ISP discriminates between providers of content, applications and services by making them unequally accessible (for example, if you have to pay to access some sites/services, but get "free" access to others), this constitutes an

arbitrary interference of users' rights established under Article 3(1) of the Regulation and should be prohibited according to Article 3(2).

Recital 7 of the Regulation defines the types of commercial practices that require national regulators to intervene. However, the language of this recital that "National regulatory and other competent authorities should be empowered to intervene" and "should be required, as part of their monitoring and enforcement function, to intervene" only provides the minimum floor for regulatory intervention and not a maximum ceiling of the scope of this regulation. National Regulatory Authorities have a strict mandate to implement the restriction on harmful commercial practices of Article 3(2) of the Regulation. This means that a slower (and resource-intensive) case-by-case approach is not an appropriate implementation of the legislation.

Application-specific zero-rating (i.e. zero-rating of individual applications or whole classes of applications) and zero-rating for a fee (i.e. where application providers pay to have their data zero-rated) are commercial practices that systematically—regardless of their scale and the market position of the players involved—interfere with the end-users' right of Article 3(1) to impart information, and therefore materially reduce end-users' choice in practice. If people have to pay to access YOUR information and get access to other information for free, this is quite obviously a restriction on the right to distribute information, as described in Recital 1 of the legislation. It is logical, therefore that such practices be banned under the provisions of Article 3(2).

In addition, National Regulatory Authorities have to ensure clarity and predictability of authorised business models in the digital single market to fulfil the goal of this Regulation to “guarantee the continued functioning of the Internet ecosystem as an engine of innovation”. BEREC's mandate pursuant to Article 5(3) of the EU Regulation is to contribute to the "consistent application of this Regulation" by issuing clear rules. A case-by-case approach falls short, since the legality of each zero-rating offer will have to be assessed individually by 31 enforcement bodies and radically different patterns of what is permitted and prohibited in each country will accumulate over time, as a direct result of these case-by-case decisions. This legal uncertainty discourages long-term planning and innovation, and is therefore detrimental to investment in the European start-up economy. Finally, most of the commercial practices highlighted by BEREC have a harmful effect on the fundamental rights of end-users protected under the Charter of Fundamental Rights of the European Union. By making certain services unequally accessible, zero-rating infringes on the media freedom and pluralism (Article 11(2) of the Charter). Zero-rating also constitutes a discrimination against the right to provide services in EU Member states and the freedom to conduct a business for every competitor of the services or applications that are being zero-rated. (see Articles 15(2)), and 16 of the Charter of Fundamental Rights).

[TM#1v2v2]

The EU Regulation has very clear rules on what constitutes reasonable traffic management. According to its Article 3(3), all traffic management should be as application agnostic as possible. Every deviation from this rule, such as class-based traffic management, could harm competition by offering priority to some classes of applications, but not others, for example.

Class-based traffic management also harms applications and services that are misclassified, whether deliberately or not. This is a particular risk for traffic from small businesses or start-ups. Class-based traffic management also risks discriminating against encrypted and anonymised traffic, which could be throttled by ISPs. It also harms users whose needs for accessing a certain class of service differ from the ISPs' assumptions. Finally, the lack of transparency around this practice creates uncertainty about the performance of particular applications in any particular network. As with zero-rating, the complexity and ambiguity of this approach makes it more difficult for regulators to enforce it. Therefore, applying class-based traffic management instead of application agnostic traffic management is unnecessary, disproportionate, discriminatory and hinders transparency.

In light of these harms, paragraphs 54, 55, 57 and 63 of the draft guidelines are not yet fully in line with the EU Regulation. Article 3(3) subparagraph 2 clearly requires traffic management to be transparent, non-discriminatory and proportionate, in order to be deemed reasonable. Those conditions have to be read in the context of Article 3, to distinguish reasonable and unreasonable forms of traffic management measures.

Paragraph 63 of BEREC's draft guidelines interpret "reasonable traffic management" which is inconsistent with the legislator's intentions. The draft guidelines would allow far too broad class-based traffic management measures. These would be based on the functionality of the service and protocol used, but it seems clear from recital 9 and the structure of Article 3(3) of the Regulation that the legislator only intended "reasonable measures" to be based on the Quality of Service requirements of traffic (classes for sensitivity to latency, jitter, packet loss and bandwidth).

According to the proportionality principle and paragraph 58 of the draft guidelines, all forms of user-controlled quality of service and consumption based traffic management should be applied and exhausted before more intrusive measures are taken. Therefore, BEREC should bring paragraphs 54, 55, 57 and 63 more clearly into line with the EU Regulation.

Transparency cannot, as proposed by the Commission in its initial draft of the Regulation and subsequently

rejected, be considered an antidote to anti-competitive behaviour in itself. Transparency has limited scope in fixing problems, particularly in this context.

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Kind regards,
A concerned citizen