

Preserving the Open Internet

Brussels, October 2024

Dear Ms. Virkkunen

We, the undersigned organizations and individuals representing civil society, academia and technical organizations, wish to congratulate you on your nomination as Commissioner-designate for Tech Sovereignty, Security and Democracy. With this letter we want to bring to your attention our concerns with ongoing efforts to undermine critical principles of net neutrality and to request that the European Commission refrain from intervening in the commercial dynamics of the Internet's interconnection ecosystem.

During the last Commission's tenure, we witnessed different attempts to introduce mandated payments from Content and Application Providers (CAPs) to the telecommunications operators providing Internet access services. This debate has been tagged with different names: "fair-share," "cost-sharing," "network fees," and "sender pays." The latest iteration is the requirement for a dispute resolution mechanism in the interconnection market. All these fundamentally represent the same concept: of altering the Internet's networking model in favor of a handful of large telecom operators.

We strongly oppose these proposals that we believe are not only unnecessary, but also extremely harmful to the global Internet and its users.

As the Body of European Regulators for Electronic Communications (BEREC) has concluded, the Internet's interconnection ecosystem is characterized by well-functioning market dynamics with balanced bargaining powers¹. Similarly, the vast majority of stakeholders in Europe have pointed out how this type of regulatory intervention risks fragmenting the Internet, distorts market competition, harms consumers, and creates adverse incentives leading to a more expensive and inefficient infrastructure with poorer quality of service and higher costs.

The last Commission conducted two public consultations on this topic and the results were clear: most stakeholders clearly opposed this unnecessary intervention². In fact, not even among telecom operators was there a consensus, and only the largest operators supported this type of regulatory intervention.

The new Commission represents an opportunity for Europe to put this debate to rest and to reaffirm its support for critical principles like net neutrality, not to break them. The new Commission will be required to rethink the Digital Networks Act (DNA); any recommendations must be based on evidence and stakeholder input. European stakeholders have already spoken - it is time for Europe to use its global leadership to promote an open Internet for everyone.

1 Draft report on the IP interconnection ecosystem, BEREC, June 2024:

<https://www.berec.europa.eu/en/document-categories/berec/reports/draft-berec-report-on-the-ip-interconnection-ecosystem>

2 Network usage fees: the EC plays politics with the Global Internet, Internet Society, October 2023:

<https://www.internetsociety.org/blog/2023/10/network-usage-fees-the-european-commission-plays-politics-with-the-global-internet/>; Unlocking the Future of Connectivity: An In-Depth Analysis of the Public Consultation on the White Paper, Political Intelligence, 2024: <https://political-intelligence.com/news/unlocking-the-future-of-connectivity-an-in-depth-analysis-of-the-public-consultation-on-the-white-paper/>

Yours sincerely,

Epicenter.works – for digital rights

Internet Society

ApTI, Romania

Asociația pentru Tehnologie și Internet

CENTR, - association of European country code top-level domain name registries

Chaos Computer Club e.V.

Chaos Computer Club Lëtzebuerg (C3L)

Civil Liberties Union for Europe (Liberties)

Creative Commons

Desiree Miloshevic , RIPE Cooperation Working Group Co-Chair

Digital Society Forum, Slovenia

Digitalcourage e.V.

Dr. Konstantinos Komaitis, Senior Resident Fellow, Lead on Internet governance, DFRLab, Atlantic Council; senior researcher and non-resident fellow, Lisbon Council.

Electronic Frontier Foundation (EFF)

Electronic Frontier Norway

European Digital Rights (EDRi)

Homo Digitalis Državljan D / Citizen D

International Federation of Library Associations and Institutions (IFLA)

Internet Society Belgium Chapter

Internet Society Norway Chapter

Internet Society UK England Chapter

IT-Pol Denmark

Julf Helsingius , RIPE Cooperation Working Group Co-Chair

Michele Neylon, CEO, Blacknight

OW2 open source association

Vrijdschrift.org

Xnet, Institute for Democratic Digitalisation