



*Associazione Libertiamo
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European Commission Consultation on Net Neutrality

Libertiamo Submission

Rome, September 29th 2010

Dear Sir/Madame,

We write to you as a leading promoter of the freedom of expression and civil and economic liberties, with grave concern regarding the challenges facing the open Internet. As a premier organization focused on disseminating our work and efforts online, we fully understand the importance of this medium, and the need to safeguard its ability to grow and innovate. We are therefore gravely concerned with some of the proposals being presented on either side of the Atlantic, and call on the Commission to take a strong stand against any intrusive interference into the functioning and structure of the internet, particularly as illustrated by the concept of net neutrality.

Net neutrality sounds wonderful, but upon looking into the issue further, it is clear that such regulation would pose a grave risk to the future of the internet, society, and the global economy. Though proponents of the regulation may not intend to promote such a terrible concept, the fact remains that intentions have little relation to the actual impact that an idea, concept, philosophy will have on society as a whole.

Our opposition to net neutrality is not an opposition to the principle of an open access to the Internet, as it represents an opportunity for everybody in the achievement of more prosperity and individual freedom. We strongly believe that an open Internet fuels a competitive and efficient marketplace, where consumers make the ultimate choices about which products succeed and which fail.

Today Internet is an indefeasible tool of innovation that any individual should have access to, but **net neutrality does not offer the protection that its proponents claim.** The belief that all data flowing through networks should be treated equally, without exception, flies in the face of the innovation and the entrepreneurial spirit that, ironically, gave us

the internet to begin with. **Such a regulation will limit the ability for telecoms network operators Internet Service Providers (ISPs) to improve, if not maintain, the quality of their networks, while content and applications continue to become increasingly bandwidth intensive.** Having this ability is critical to maintaining the open internet that everybody should pursue in principles, as well outlined by **the recent adoption of the Telecom Package and in the Universal Principles included in it.**

However, if net neutrality is imposed, ISPs will be unable to offer differentiated services to their consumers, therefore turning them into little more than public utilities – but a step away from flat-out nationalization. In Italy, as in most of Europe, we know what a national telecommunications monopoly looks like, and we were happy to see it be done away with (though still not completely).

But while net neutrality is both unfair to ISPs network operators and anti-entrepreneurial, it is also technically unwise. Speaking with various engineers, it is clear that the **Internet cannot operate under the limitations that would be required under net neutrality.** Growth in data would pose an unacceptable risk to the simple functioning of the various networks that make up the internet and next-generation content and applications would be unable to function within the already crowded Internet highways. Net neutrality would effectively make innovation impossible – so much for the entrepreneur hoping to become the next Facebook or Google.

Society has greatly benefited with the emergence of the internet, bringing vastly disparate communities and cultures together in a way never before imagined. Information is readily available, and tools have been improved beyond the simple analogue capabilities. Consider the telephone, which began as a simple device sending electrical impulses

through copper wires. Distances degraded the quality of service to such a degree that international phone calls were almost intelligible. However, today, we are now able to speak via video-phone (for free!), and send messages around the world instantly.

And yet, would one use a video-phone service if one were unable to understand the person on the other end of the line? Would people stream video if it took days to download? And is there any reason that the data comprising of an email should be treated the same as a video or phone call, despite the fact the delivery would be delayed only one or two seconds? Our answer for all three of these questions is a resounding, “NO!”.

However, the Commissioner for the Digital Agenda, Neelie Kroes, has illustrated a measured perspective on the issue, warning against imposing burdensome regulation without a clear need or mandate. To date, there is no proof that net neutrality regulation is required, much less a clear benefit to imposing such a regulation. While some ISPs operators have engaged in uncompetitive behaviour – such as blocking competing services, particularly mobile Voice over IP (VoIP) – such abuses have been addressed under the context of existing competition law, and do not reflect a need for additional regulation.

It is our hope that the Commission will seriously consider the full ramifications that imposing technical parameters through regulators would have on this dynamic medium. **Protection of the Internet and its access points is critical to both society and the economy, and should be protected against all aggressors, including government.** The European Convention on Human Rights supports this point clearly, stating:

“Everyone has the right to freedom of expression. This right shall include freedom to

hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”

Net neutrality could actually be declined as a direct violation of this right, not simply a questionable way of protecting it.

In sum, net neutrality would undermine the innovation that has allowed the internet to develop and flourish, limit the ability for operators to improve the quality of their networks, undermine what continues to be one of the strongest sectors of the global economy and limit our freedom of expression.

We thank you for offering us an opportunity to respond to this consultation.

Should you have any questions or require any further information, please do not hesitate to contact:

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About Libertiamo

Libertiamo is a cultural political organization campaigning for classical liberal ideas in Italy and in Europe, promoting policy analysis and law proposals. Through the webmagazine **Libertiamo.it**, the organization publishes articles and opinions related to free market, individual and civil freedoms, International relations.

Libertiamo organizes public meetings and seminars in order to promote its ideas and proposals.