



TAGS: europe / european parliament / net neutrality

European Parliament passes strong net neutrality law, along with major roaming reforms

by David Meyer

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SUMMARY: *It was a closely-fought contest, but Europe's crucial telecoms package has passed through its first European Parliament vote, as have amendments that remove loopholes that would have clashed with the open internet.*



European fans of the open internet can breathe a sigh of relief: the European parliament has passed a major package of telecoms law reform, complete with amendments that properly define and protect net neutrality.

The amendments (PDF) [<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONGML+AMD+A7-2014-0190+237-244+DOC+PDF+V0//EN>] were introduced by the Socialist, Liberal, Green and Left blocs in the European Parliament after the final committee to tweak the package – the industry committee – left in a bunch of loopholes [<http://gigaom.com/2014/03/18/europes-net-neutrality-law-passes-crucial-committee-vote-with-poor-safeguards/>] that would have allowed telcos to start classifying web services of their choice as “specialized services” that they can treat differently.

It's a good thing the net neutrality argument didn't sink the whole package, as it also includes new laws to eliminate roaming fees within Europe, creating a truly single market for telecoms services. Now the whole package gets passed through to the next Parliament (elections are coming up in May), then the representatives of European countries for final approval.

Thanks to Greens, Socialists, Liberals and Leftis in European Parliament

#netneutrality [<http://twitter.com/search?q=%23netneutrality>] has now a good chance to be protected in the #EU [<http://twitter.com/search?q=%23EU>]!—

Jan Philipp Albrecht (@JanAlbrecht) April 03,

2014 [<http://twitter.com/#!/JanAlbrecht/status/451657739740385280>]

In a statement, Amelia Anderdotter, the Swedish member of the European Parliament (MEP) who heads up the Pirate faction in the European Parliament, said:

“Thankfully, a majority of MEPs has seen sense today and voted to uphold the principle of net neutrality in the EU. The proposals by the Commission, which would essentially have given large providers the all-clear for discriminating against users as they see fit, have been revised. Today’s vote would explicitly provide for net neutrality and will hopefully ensure a level playing field for all online services and users, providing for a more open internet environment in which innovation is encouraged.”

Nitty-gritty

Not all the amendments were passed by members of the European Parliament (MEPs) but the big ones got through. Amendment 234 gave a strong definition for net neutrality:

“Net neutrality” means the principle according to which all internet traffic is treated equally, without discrimination, restriction or interference, independently of its sender, recipient, type, content, device, service or application.

Amendment 235 gave a strong definition of specialized services, making it clear that ISPs can’t simply decide Netflix, for example, is no longer a standard internet service:

“Specialised service” means an electronic communications service optimised for specific content, applications or services, or a combination thereof, provided over logically distinct capacity, relying on strict admission control, offering functionality requiring enhanced quality from end to end, and that is not marketed or usable as a substitute for internet access service.

And Amendment 236 hammered that point home:

Providers of internet access, of electronic communications to the public and providers of content, applications and services shall be free to offer specialised services to end-users. Such services shall only be offered if the network capacity is sufficient to provide them in addition to internet access services and they are not to the detriment of the availability or quality of internet access services. Providers of internet access to end-users shall not discriminate between functionally equivalent services and applications.

According to [<https://www.accessnow.org/blog/2014/04/03/the-european-parliament-takes-important-step-to-enshrine-net-neutrality-int>] the pro-net neutrality lobby group Access, this is all a major win except for the defeat of an article that would have clearly set out how to enforce net neutrality.

“The Council representatives are expected to adopt a final position on the Telecoms regulation later in 2014,” Access said, referring to the representatives of member states. “Access urges the Council not to deviate from the position adopted today by the European Parliament. The Council must maintain the necessary safeguards to protect net neutrality and prohibit network discrimination in Europe. This includes ensuring that this principle can be effectively enforced.”

Lobbying frenzy

The whole package had originally been proposed by Neelie Kroes [<http://gigaom.com/2013/06/04/heres-what-europes-net-neutrality-law-would-look-like/>], the European Commission’s digital agenda chief. The roaming elements built on work she’s done over recent years to drive down the cost of using your phone while crossing intra-European borders, and will hopefully create a much more unified market for digital services in Europe. If you’re a startup building location-based services, for example, it will be much cheaper for people to use those services as they move between European countries.



[\[http://gigaom.com/2013/05/23/europe-wants-to-be-big-in-chip-manufacturing/olympus-digital-camera-220/\]](http://gigaom.com/2013/05/23/europe-wants-to-be-big-in-chip-manufacturing/olympus-digital-camera-220/)As for the net neutrality elements, Kroes claimed her proposals were strong, with some reason — for example, those proposals explicitly outlaw the widespread practice of mobile carriers blocking or throttling services like Skype in order to protect their own voice revenues. However, the proposals also said that ISPs would be able to strike deals with content providers that would allow a degree of prioritization of their services over other web services.

This was a complex matter that came down to what should or should not be a “specialized service” that’s exempted from the general net neutrality provisions. Of course certain services need to be treated differently because of their technical requirements — ISP-provided IPTV is the classic example — but net neutrality advocates say such things should be managed and delivered through a separate channel that can’t be confused with the normal “internet” that consumers consume, such as standard web video.

In effect, those advocates — and the MEPs voting on Thursday — were calling for safeguards that mean ISPs can’t just take a normal web service and say it’s “specialized” because they’ve struck a deal with the content provider, allowing them to prioritize it over rival services.

Unfortunately, some (including Kroes’s office) followed the telco lobby line and were until Wednesday still trying to argue that net neutrality advocates wanted to ban specialized services altogether:

Hokmark: no govt or company should block content – Internet must be free. Blocking specialised services reduces freedom #netneutrality [<http://twitter.com/search?q=%23netneutrality>]—

Ryan Heath (@RyanHeathEU) April 02,

2014 [<http://twitter.com/#!/RyanHeathEU/status/451362865325559809>]

That was a straw man argument. Net neutrality advocates wanted a clear line to be drawn between specialized services and the normal internet, fearful that a pay-for-prioritization scenario would kill innovation by disadvantaging new startups and giving ISPs a level of control over the internet that they currently lack.

The advocates got what they wanted, unlike in the U.S. where a massive legal blunder by the FCC meant no net neutrality laws are in place [<http://gigaom.com/2014/01/14/net-neutrality-now-rests-in-the-hands-of-the-fcc-im-worried/>]. When that debacle occurred a few months back, Kroes argued that Europe could therefore offer startups a better deal [<http://gigaom.com/2014/01/15/can-europe-really-offer-startups-a-better-deal-on-net-neutrality/>] on net neutrality.

Ironically, Kroes's words finally ring true today after her defeat on the specialized services issue. Not that she's calling it a defeat, of course:

Couldn't be happier!! Great result in EU Parl in favour of

#ConnectedContinent [<http://twitter.com/search?q=%23ConnectedContinent>] !!

#roaming [<http://twitter.com/search?q=%23roaming>] #netneutrality [<http://twitter.com/search?q=%23netneutrality>]—

Neelie Kroes (@NeelieKroesEU) April 03,

2014 [<http://twitter.com/#!/NeelieKroesEU/status/451660400359383040>]

Naturally, the carriers are deeply unhappy. In a statement, mobile carrier industry body the GSMA said it “recognises the efforts of Rapporteur Pilar del Castillo to develop a constructive response to the Commission’s Connected Continent proposals but believes that the overall package fails to address the key challenge of stimulating growth and investment.”

“Network operators must be able to develop services that meet the needs of consumers and charge different prices for differentiated products,” GSMA director general Anne Bouverot exclaimed.

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