

The new European spin on net neutrality

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Speed read

Net Neutrality die-hards don't like the EU's "fast lane" approach of enabling IPTV etc., to have priority treatment ahead of normal internet traffic. This is different from the US approach, as we outlined in our article, [Wow! "No fast lanes" on the US Internet.](#)

Having announced the likely [law changes on 30 June](#), the detailed text was released on 8 July. We summarise what is happening and also touch on zero-rating at the end of this article.



The Detail

The detailed draft rules are likely to be approved by all relevant EU bodies, and will then become law. This is then implemented by each country and by the regulator in each country, so there will be more detail to follow (perhaps as to what constitutes sufficient quality of service for the minimum internet services that must be available to all).

The idea, as in the US, is that a minimum internet service is available equally to all, with the ability to pay for different speed and data services, and with carve-outs for technical network management. The network must be dimensioned to provide that minimum service.

So long as the basic service is not eroded, the same network can be used for services that have optimised characteristics, such as IPTV and HD video-conference services. The draft rules state in that regard:

"Providers of electronic communications to the public, including providers of internet access services, and providers of content, applications and services shall be free to offer 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.

[They] may offer or facilitate such services only if the network capacity is sufficient to provide them in addition to any internet access services provided. Such services shall not be usable or offered as a replacement for internet access services, and shall not be to the detriment of the availability or general quality of internet access services for other end-users."

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The EU's media release regarding this, says that (highlighting added):

*"Therefore it is important to have future proof rules which, while fully safeguarding the open Internet, allow market operators to provide services with specific quality requirements in order to provide them in safe manner. **It is not a question of fast lanes and slow lanes - as paid prioritisation is not allowed**, but of making sure that all needs are served, that all opportunities can be seized and that no one is forced to pay for a service that is not needed."*

This sounds like nonsense. The way networks operate to enable IPTV, etc., typically involves prioritisation of that traffic ahead of other traffic (here, the basic internet traffic).

Instead, the concept – in theory at least, for this can be gamed absent careful definition – is that such prioritisation must not erode the quality of the minimum internet service.

While a steamroller can be driven through the high level EU law, this might be sorted in the country-specific law and regulation introduced under that high level law.

If they get this right, this is one way of sorting the complex net neutrality

debate, and many say it is the best approach, just as many say the US approach is best. Both models have economic pluses and minuses.

In the end, the devil will likely be in the detail as to the rules themselves, in this immensely complex area.

Zero-rating

This also is a net neutrality issue (in fact, there are plenty of facets around the open internet/net neutrality). Regarding this, the EU has said that:

"Zero rating, also called sponsored connectivity, is a commercial practice used by some providers of Internet access, especially mobile operators, not to count the data volume of particular applications or services against the user's limited monthly data volume."

Zero rating does not block competing content and can promote a wider variety of offers for price-sensitive users, give them interesting deals, and encourage them to use digital services. But we have to make sure that commercial practices benefit users and do not in practice lead to situations where end-users' choice is significantly reduced. Regulatory authorities will therefore have to monitor and ensure compliance with the rules."

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