

## EDiMA Position on Open Internet Access

EDiMA\* believes that open access to the Internet is a fundamental right for consumers and businesses. The Internet must remain an open platform for innovation and creativity. The entire success of the Internet has been based on consumers and businesses' ability to access, navigate and use services made available on the Internet. While consumers can choose at what *speed* they receive material and the amount of material they want to send and receive, open access allows them to utilise any of the services on offer now and in the future.

The open Internet has been, and remains, a hotbed of innovation and ideas and a major driver of economic growth. Its blank canvas allows "innovation without permission", although this cannot be taken for granted and has come under increasing threat from those controlling bottlenecks at access and infrastructure layers. The open Internet has enabled EDiMA members to provide Internet users with content, services and applications unimagined just a few years ago. It has also allowed access and infrastructure providers to reap the rewards of investment in upgraded digital infrastructure.

The Internet is a network of networks – some privately owned, others publicly, others not-for-profit. As such no ownership can be claimed of the Internet itself and thus no ownership right exists to deny access to the Internet.

As a network of networks, there will always be opportunities in the complicated value chain that to prevent or degrade services to an end user. In most of the EU, there is no redress for consumers and citizens whose access to the public Internet is being arbitrarily restricted. Current and future law must address these issues in guaranteeing access rights for users.

In order to continue to enjoy the benefits the open Internet has brought to European society and economy, some basic statutory principles offering protection of the open Internet are required. In order to maintain balance in the value chain, these principles should also recognise the right of network operators and access providers to employ traffic management techniques and provide complementary offerings, often known as specialised services, alongside mandatory provision of access to the open Internet. These principles would be agreed at global level and administered and enforced by the European Commission and NRAs at EU and Member State level.

EDiMA regards the following principles as the minimum necessary to continue to protect the Internet's basis for innovation and economic growth:

**Principle 1:** No blocking or degrading of (legal) content, services, applications running on the public Internet as an absolute rule.

**Principle 2:** Recognition that reasonable traffic management is acceptable/necessary, for example at times of acute network congestion or to foil botnet or other network attacks. A guideline for what constitutes reasonable traffic management should be determined.

**Principle 3:** Full transparency of network operators' access T&Cs and any traffic management techniques they may impose. Such techniques should not undermine principle 1.

**Principle 4:** Ability for network operators to offer their own, or affiliated parties', specialised services alongside access to the open Internet, subject to the condition that the former is not offered as a substitute for the latter, nor creates a discriminatory effect for others in the Internet value chain.

\* **EDiMA** is the European trade association representing online platforms. It is an alliance of new media and Internet companies whose members include Allegro Group, Amazon EU, Apple, eBay, Expedia, facebook, Google, LinkedIn, Microsoft, Nokia, Yahoo! Europe. EDiMA's members provide Internet and new media platforms offering European consumers a wide range of online services, including e-content, media, e-commerce, communications and information/search services.