



Mr Luigi Gambardella

ETNO

Avenue Louise 54

1050 Brussels, Belgium

cc: European Commission, Current Presidency of the CEPT and the EP (PPE, S&D, ALDE, Verts, GUE/NGL, ECR, EFD)

**Subject: CWG-WCIT12 Contribution 109 Source: ETNO**

Brussels, 14 September 2012

Dear Mr Gambardella

We, Chapters of the Internet Society in Europe, are writing to you with respect to ETNO's contribution to the ITU in reference.

As we are sure you are already aware, the Internet Society has already issued a statement about the WCIT, including specific recommendations.<sup>1</sup> Our present purpose is to respond to specific European aspects of your proposal. We hope that, based on this input, ETNO would reconsider Contribution 109 from the ITU Council Working Group. Allow us to explain our point of view:

**1. Multi-stakeholder participation in Europe:** We consider that Internet governance in general, and the European position in the ITU WCIT in particular, should be based on multi-stakeholder consultation and decision taking. In many contexts (IGF, EuroDIG, ICANN, etc.), ETNO members have supported the multi-stakeholder model, and it is in the best interests of the whole European Internet community if all stakeholders follow, and continue to develop this model.

**2. The scope of the International Telecommunication Regulations:** The ITRs regulate relations between governments. Commercial arrangements between operators are beyond the scope of the ITRs.

Your references to 'operators' tends to undermine this basic distinction. On the contrary, we wish to maintain this distinction and particularly to ensure that the ITU ITRs are neutral with respect to the regulatory and competition policy responsibilities of the public authorities, particularly those arising from the EU Treaty.

**3. Network Neutrality:** Without revisiting here all the arguments about Network Neutrality, we believe that the concepts in the ETNO proposal related to "commercial arrangements with differentiated quality of service delivery" are inconsistent with the principles of an open Internet.

---

<sup>1</sup> <http://www.internetsociety.org/news/internet-society-board-trustees-expresses-concern-about-potential-impact-world-conference>

Specifically, as many European Internet Society chapters have pointed out through the years, network operators – such as the majority of ETNO members – should not have the power, commercial or technical, to discriminate among IP packets sent or received by the users.

The commercial consequences of the model which you have proposed could threaten the quality of “best-efforts” delivery and create counterproductive incentives towards selective and 'walled garden' definitions of IP services. That would not be the open Internet, enjoyed today by all users.

4. **'Sending party network pays:'** This concept has apparently been carried over from traditional telecommunications, whereas the Internet functions on different principles, where the receiving party pays, usually through a subscription.

For reasons that have been amply explained elsewhere, this will not work, and should not be supported.

We would be particularly concerned that 'sending party pays' would in practice discriminate against many smaller, service providers, and new entrants.

5. **Economic considerations, 'fair remuneration' and broadband investment:** The European telecommunications industry has known for more than 20 years that markets would become progressively liberalised, and for more than a decade that convergent IP traffic would predominate through the Internet, as is already the case.

We would also note that several other countries are achieving higher levels of broadband penetration, more quickly, without resort to “new business models” (see for example the official Bulgarian contribution<sup>2</sup> to the ITU-PP10), but by ensuring liberal legal framework, with no licensing or registration for the ISPs. Furthermore, the ISPs and other telecommunications operators already charge their customers significant amounts for connection to the Internet.

Specifically, we do not believe that ITU ITRs, which regulate relationships between public authorities, should extend to commercial relationships between operators.

We are participating actively within national WCIT preparatory processes throughout the region, knowing that our respected governments will support positions that are consistent with the development of the Internet as an open and inclusive media, following a liberal legal framework. In this regard, we do not believe that the full range of impacts the ETNO proposals might produce for the global Internet community have been fully evaluated from a technical, commercial, or development perspective. Further, we have concluded that placing treaty-based interconnection obligations on infrastructure providers is not a constructive way to make progress and runs the serious risk of fragmenting the Internet. We hope that you will reconsider the ETNO proposal and work with us to grow the Internet in an open, market-based, multistakeholder fashion.

Yours sincerely,

R. Rustema (coordinator) rustema@internetsociety.nl

Signed and endorsed by the following Chapters of the Internet Society in Europe:

Internet Society Belgium	Internet Society Bulgaria	Internet Society Finland	Internet Society Germany
Internet Society Italy	Internet Society Luxembourg	Internet Society the Netherlands	Internet Society Poland
Internet Society Romania	Internet Society Slovenia	Internet Society Spain	Internet Society Sweden

The Internet Society chapters are grass roots organisations interested in an open, inclusive internet. The members are often customers of ETNO's members.

---

2 <http://isocbg.wordpress.com/2010/10/20/bg-itu/>