Paris, le 31 juillet 2012

Internet Society French chapter's response to BEREC public consultation Guidelines for Quality of Service in the scope of Net Neutrality.

The french chapter of the Internet Society welcomes the opportunity to comment upon BEREC's Guidelines for Quality and would like to congratulate BEREC on the quality of these work, which are well-aligned with principles that the Internet Society has long espoused.

General remarks: Net Neutrality is no longer a respected rule

1. Some operators manage their networks in order to offer specialised services in a way that could potentially affect the Internet access service ;

2. There is worldwide restrictions on the use of P2P and VoIP services on mobile networks, and on the use of P2P services on fixed networks,

Neither the competitive dynamic nor the vigilance of competition authorities, have been able to prevent these restrictions.
These restrictive practices are much more prevalent in some European countries than others, indicating that there is no universal technical requirement.

It's important to establish monitoring programs and undertake action to prevent restrictive practices and the degradation of the access to Internet service.

Specific responses to questions

1. Assessment of degradation of Internet access service as a whole
Monitoring must be both proactive and reactive. Reactive monitoring can't prevent the problems on its own.

Monitoring must include technical measurements of the services themselves. Proactive monitoring should include:

1. The Internet service performance have to be measured in the presence of specialized services
2. Measurements must be applied to a wide range of destinations, not only to today's most popular ones
3. Connectivity and throughput tests must use a broad range of protocols, applications and destinations

Performance of specialized services alone is not realy relevant. We agree with the BEREC that, "There should be monitoring of the quality of Internet access service over time, covering all aspects for which ISPs are responsible."

2. The criteria proposed for the assessment of issues regarding individual applications run over the Internet access service? (Ref. chapter 5)

We agree with BEREC that, 'Blocking or throttling of specific applications by one ISP will also have consequences for end users of other ISPs who may face problems using these applications to reach end users of the restricting ISP'.

Rather than requiring end-users to make complaints, and NRAs to conduct lengthy assessments, it would be preferable to establish the principle of an Internet service access not blocking the applications.
Indeed, not to block applications represents the expected status quo. The onus should be on the Internet access service provider to apply to the NRA for permission to block applications, providing suitable justification for doing so.

3. Conditions and process for regulatory intervention (Ref. chapter 6)

The Universal Service Directive 2002/22/EC amended by the Citizens' Rights Directive stipulates that, "In order to prevent the degradation of service and the hindering or slowing down of traffic over networks, Member States shall ensure that national regulatory authorities are able to set minimum quality of service requirements on an undertaking or undertakings providing public communications networks" . The simple use of the wording "prevent" indicates that NRAs should be proactive, and not merely accept offers that entail the provision of subsets of the open Internet or application-specific restrictions, as legitimate or normal, and of which end-users must merely be informed.
Such restricted offerings should not be referred to as 'Internet' access services.

In the interests of efficiency, NRAs should require undertakings to refrain from filtering specific applications or classes of application, except where adequate justification for doing so has been presented to and accepted by the NRA.

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L'Internet Society (ISOC) est une organisation à but non lucratif fondée en 1992 pour assurer le développement, l'évolution et l'utilisation de l'Internet pour le bénéfice des individus, à travers le monde. Elle est l'organisation d'accueil pour les groupes techniques chargés de l'infrastructure des standards de l'Internet, incluant l'Internet Engineering Task Force (IETF) et l'Internet Architecture Board (IAB). A ce jour, l'Internet Society est forte de 90 Chapitres et accueille plus de 55 000 adhérents répartis sur 72 pays. Le chapitre français de l'Internet Society (Internet Society France) est le représentant en France des utilisateurs et regroupe en son sein l'ensemble des professionnels du numérique : experts, universitaires, associations, entreprises ... L'Internet Society France s'exprime et agit sur l'ensemble des problématiques du réseau : usages, législation, données personnelles, déploiement des infrastructures, gestion des ressources, gouvernance.