Europe votes for a 'neutral net' ... but what does that mean?

April 4 2014, by Angela Daly

If the deal is sealed, ISPs will no longer be able to dictate which of their customers get faster service – well, in Europe anyway. Credit: redCreative~/Flickr, CC BY-ND

Yesterday the European Parliament had an historic vote on the issue of "net neutrality", and became the largest bloc in the world to affirm this open internet principle.

This was part of a law on communications which also includes a ban on mobile roaming fees in the European Union.

So what is net neutrality?

Net neutrality is a principle posed for user access to the internet, which prevents internet service providers (ISPs) from discriminating between different types of internet traffic and from restricting (legal) content, sites or platforms.

This was the "default" position for the internet when it was first released to the public in the early 1990s, but due to changes in technology – particularly on-demand services available via broadband connections such as Netflix, the development of deep packet inspection (technology which allows examination of the content of information packets being sent over the internet) and the rise of content delivery networks – this is not the case anymore.

ISPs have the ability and incentive to prioritise certain traffic, speed up or slow down other traffic and possibly block some traffic outright.

The debate over net neutrality boils down to the extent to which ISPs can manage their own networks and what their customers can send and receive successfully, and raises concerns of competition, free expression and pluralism.

What did the European Parliament vote?

The Parliament adopted in its first reading the Regulation of the Single Telecoms Market and amended the text largely following proposals made by the Social Democrats, Greens, United Left and Liberals, backed by "a very strong citizen mobilisation".

The text adopted by the Parliament creates two categories:

1. "internet access services" which are subject to a net neutrality principle

2. "specialised services with an enhanced quality of services" which are not subject to net neutrality.

The Parliament adopted an amendment which contains a strong definition of net neutrality. All internet traffic should be treated equally, without discrimination, restriction or interference and independent of its sender, receiver or type.

End-users will also have the right to access and distribute information and content and use applications, services and terminals of their choice.

While ISPs can limit data volumes or speeds for internet access, they are now allowed to block, slow down, degrade or discriminate against specific content, applications or services except in limited circumstances (such as temporary and exceptional network congestion).

The definition of "specialised services" was narrowed from the original proposal: they must be provided on "logically distinct capacity" and not be "marketed or usable as a substitute for internet access service". This means that ISPs cannot suddenly decide that ABC iView, for instance, is no longer a normal internet service.

Also, ISPs can only offer these specialised services if they have enough network capacity to do so without interfering with the quality or availability of normal internet access services. They are also not to discriminate between "functionally equivalent services or applications".

One important amendment that the Parliament did not adopt would have laid down "clear measures for implementation and enforcement" of net neutrality.

A win for European citizens

While, perhaps predictably, European ISPs are [not happy](#) about more regulation of their conduct, this is a win for normal European citizens, whether creators or consumers of internet content, applications and services.

It's also a win for big content providers as well, as they can be reassured that ISPs cannot threaten to block their content reaching end-users if they do not pay the ISPs extra.

This also puts European citizens on a better footing than their counterparts in the US, where net neutrality rules were recently [struck down](#) and Netflix also [caved into pressure](#) to strike a deal with Comcast after consumers found access to Netflix was very slow.

In Australia, there are no net neutrality rules, so ISPs are free to manage traffic as they wish (subject to the competition and consumer protection rules).

The Australian Competition and Consumer Commission ([ACCC](#)) has been [criticised](#), though, as not being a particularly pro-active regulator, so Australian consumers and businesses seem not to be strongly protected in this area.

Next steps

Net neutrality is not quite a done deal in Europe yet. The text adopted by the European Parliament also has to be agreed upon by the [Council of the European Union](#).

Unfortunately, there are already suggestions that [ISPs will be lobbying](#) the Council fiercely to get a watered-down version of net neutrality passed in the end.

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