

## **TACD on Net Neutrality**

Public Knowledge is a co-author and endorser of the TACD 2014 [resolution on net neutrality](#) and has been working in the US to ensure [net neutrality is preserved](#).

The TACD resolution sets a clear consensus among consumer organizations on both sides of the Atlantic on the importance of net neutrality. The participating consumer organizations call for a robust, open internet and affirm the following:

“If the principles of openness and neutrality are not urgently protected in both the EU and the U.S., the development of the Internet as we know it is at risk. Allowing deviations from these principles represents a significant paradigm shift that will certainly affect the Internet’s innovative character, the economic growth opportunities it offers and the enhanced access to knowledge and freedom of speech that it allows citizens to enjoy. By becoming global leaders on net neutrality, the EU and the U.S. have the opportunity to make sure the Internet remains open and neutral in the future.”

According to the TACD resolution , in a neutral and open network, consumers are entitled to:

1. an internet connection of the speed and quality advertised to them;
2. an internet connection that enables them to send and receive content of their choice, use services and run applications of their choice, connect hardware, and use software of their choice as long as they do not harm the network;
3. an internet connection that is free from undue discrimination with regards to type of application, service, or content or based on sender or receiver address;
4. competition among network, application, service, and content providers; and to
5. know what network management practices are deployed by their network providers.

TACD members have made ten recommendations, including:

1. Governments and regulators must strongly defend the principles of openness and neutrality via regulatory mechanisms.
2. Lawmakers and regulators should prevent ISPs and network providers from engaging in unfair and illegitimate discrimination between content, services, applications, and devices. In particular, preferential treatment and zero-rating of specific content or services should not be permitted.
3. Lawmakers and regulators should require that ISPs have an obligation to provide fair, complete, and accurate information on company policies and procedures for network management, and how these affect access to particular content, services, applications, or the ability to attach particular devices, in a way in which it is easily understandable and comparable for consumers.
4. Governments and regulators shall monitor the development and provision of so-called specialized services, in particular those delivered over the same broadband infrastructure as Internet access services, in order to identify and address cases where these services affect the provision and quality of general and/or individual Internet access services.
5. Lawmakers and regulators should ensure that consumers have recourse to an effective complaint and enforcement mechanism if providers fail to provide service plan information or discriminate between content, services, applications, or devices in a manner that contravenes the principles of openness and neutrality.
6. Regulators should continuously monitor networks in order to assess whether ISPs and network providers discriminate between content, services, applications, or devices on their network; whether any such discrimination falls outside the scope of legitimate network management; and take action against discrimination that contravenes the principles of openness and neutrality.
7. Policy-makers shall define the conditions under which network management can be considered reasonable and exempt from the general

prohibition of non-discrimination. Such conditions may include addressing temporary and exceptional network congestion or complying with a legal or judicial obligation. ISPs shall prove that the management activities they want to carry out are legitimately under the scope of one or more of these previously defined conditions.

8. Differentiation of service should be non-exclusive and not unduly discriminatory. It should not have anticompetitive effects or degrade other services. Enforcement of non-discrimination rules should be transparent, promote public involvement, and ensure disputes are resolved on an expedited basis.

9. Regulators should assess the level of competition in broadband Internet access, and take steps to enhance competition where individual operators hold too much market power.

10. EU and U.S. governments and regulators shall ensure that the principles of openness and neutrality of the Internet as defined in this Resolution is part of the Transatlantic Trade and Investment Partnership (TTIP) agreement in order to provide strong, harmonized protection for consumers in both sides of the Atlantic.