

INTUG Position on the public consultation on the draft “BEREC Guidelines on the Implementation by National Regulators of European Net Neutrality Rules”

INTUG is an international association of business users of telecommunications. We actively promote professional customers’ interests at the international level and want to ensure that the voice of the business user is clearly heard. Our long-term focus is to bring down all barriers companies and public institutions face when developing their ICT strategies.

We are registered in Belgium and have an international Executive Team and Board.

More information on www.intug.org.

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The International Telecommunications Users Group (INTUG) represents the interests of business users of telecommunications. These include financial institutions, car manufacturers, pharmaceutical companies, fast moving consumer goods enterprises, retail and distribution companies, public institutions, and more. They also include small and medium enterprises, which are increasingly dependent on telecommunications services.

This position focusses on the elements in the draft Guidelines that are important for business users of telecoms. Open Internet rules should not be applied to business users in the same way as to end users. In some other regions (such as the US), business usage is explicitly excluded from the Open Internet rules.

1 BEREC using a different terminology than the regulation

The Guidelines introduce new definitions (e.g. for sub-Internet, specialised services, zero rating, etc.). Since the regulation is the result of difficult and delicate discussions, INTUG recommends that BEREC not introduce new concepts.

2 Businesses need service level agreements (SLAs)

Companies and public institutions need services with a high level of quality of service (QoS), including Internet Access Services with a higher QoS. They offer their employees - but also customers, external consultants, suppliers, etc. - remote access to a growing number of business applications. Access performance, security, time to repair, guaranteed service level and other indicators are all important elements for companies in operating their businesses. With mobile access to an increasing number of applications, the use of cloud and the move to all-IP, this need will continue to grow.

For INTUG, it is very important to guarantee the balance between Open Internet access and the possibility to have services offering a range of quality levels.

3 VPN

INTUG is particularly worried about the approach to VPN services, which are vital to many companies that use VPNs to ensure integrity, authorization and authentication of data. A VPN can also offer a SLA that guarantees data transport quality. VPNs are thus important elements for a company's productivity. We are concerned that VPN services will be affected by the proposed Guidelines, as several services that are common practice in the business market today would need to be decreased.

It is not clear to INTUG why BEREC states that VPN services would be considered as "publicly available". VPNs are not offered to the public "as such", and often are part of tailor-made contracts. SDN and NFV are both increasingly common, and they change the way VPNs work. INTUG is convinced that the Guidelines' approach to VPNs is not future-proof.

INTUG's understanding of the regulation is that, where a connection to a VPN is made via an internet connection, e.g. for home workers, the regulation applies to that internet connection. But all other elements of VPNs must remain outside the scope of the regulation (even where a VPN includes a gateway towards the internet).

4 Impact on pricing and market offers

Overall, we note that the Guidelines seem very strict in the interpretation of the regulation. The proposed Guidelines also seem to place a significant additional burden on the market players. INTUG is concerned about the consequences for the services that will be offered.

5 Wi-Fi hotspots

INTUG is very pleased to note that Wi-Fi hotspots in pubs or restaurants would not be considered as “publicly available”.

6 Traffic management

We read in the draft guidelines that “packets can normally be considered to be treated equally as long as all packets are processed agnostic to sender and receiver, to the content accessed or distributed, and to the application or service used or provided”. It is not evident to INTUG how this approach can work. Access to qualitative and well-managed networks is an essential part of the working capital of businesses, and we are concerned that BEREC’s interpretations of this part of the regulation will render it impossible for operators to manage the networks as they should, resulting in a negative impact on the service availability and quality for business users.

7 Impact on existing contracts

INTUG is worried about the potential impact on existing contracts. Corporate contracts are complex, and are the result of serious discussions between the supplier and the customer. It is our opinion that BEREC should prevent the NRAs from interfering with existing contracts and observe possible changes in services for new contracts only.