

For the public consultation on the open Internet and net neutrality in Europe

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1 Introduction

I don't pretend to have the required knowledges to answer all questions of the questionnaire, therefore my answer is based on personal experiences, and tries to cover the following questions :

- **Question 1** : Is there currently a problem of net neutrality and the openness of the internet in Europe? If so, illustrate with concrete examples. Where are the bottlenecks, if any? Is the problem such that it cannot be solved by the existing degree of competition in fixed and mobile access markets?
- **Question 2** : How might problems arise in future? Could these emerge in other parts of the internet value chain? What would the causes be?
- **Question 3** : Is the regulatory framework capable of dealing with the issues identified, including in relation to monitoring/assessment and subsequent enforcement?

2 Current state of mail services in Europe

Most ISPs are blocking the port 25 (used to send e-mails) to defeat spam, and don't provide any ways to open it. This may be seen as a good point as it fights against a major threat on Internet, but here are several drawbacks of this :

- People are on the obligation to use servers of their ISPs, as a result they have no way to send confidential e-mails.

- People can't decide to install their own e-mail server at home, even for educational purpose.
- The intelligence of mail services is not on the hand of end users, as everything is centralized and controlled by ISPs.
- There is no possible market here, as users are not able to chose other e-mail providers.

Some ISPs also provide spam filters, which means there are using mechanisms to inspect content of mails, to decide whether it should be given to the end user or not. I think this is a serious attempt to freedom. We can't see such practises in mail postal services for instance, would you allow your delivery man to inspect your mails? Even if it's to fight against spam, what can prevent them to block mails on other criterias, such as political ones? This may arise in future if we don't pay attention, today we can see these criterias in China and Iran for instance.

This is a really common threat in France, most ISPs have this feature enabled by default, some are providing a way to disable it (Free), some don't (Orange). The current framework aims at enforcing competitive markets, how can I build my own mail provider if my ISP doesn't allow me to do so? How can I have users if most ISPs are preventing them to use my server?