[NL] The Netherlands take Pole Position in the Regulation of Net Neutrality

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On 8 June 2011 Maxime Verhagen, Dutch Minister of Economic affairs Agriculture, and Innovation, accepted an amendment to the Dutch Telecommunications Law that guarantees net(work) neutrality. In its purest form, net neutrality is the principle that all users on the internet should be able to communicate with each other without interference by third parties, such as Internet Service Providers (ISPs).

The need for an amendment came after telecom companies declared that they had plans to start charging users for the use of Internet applications and services, such as WhatsApp and Skype. The main spark that started the fire was an announcement last month by KPN's Head of Mobile Services Division, Marco Visser, who declared that KPN uses Deep Packet Inspection (DPI) to determine the content of the packages that users send over the internet. Vodafone joined the debate by stating that they use the same technology, however they hurried to add that DPI benefits users, since it enables Vodafone to streamline and prioritise content. This has stirred up a lot of controversy among digital rights organisations, such as the Dutch NGO Bits of Freedom, as well as in the Dutch Parliament.

After the announcement a few members of the opposition, lead by Kees Verhoeven, a member of the Dutch Parliament for the democratic party D66, took a head start by drafting the proposed amendment of Article 7.4a the Dutch Telecommunications Act (DTA). Their proposed definition of net neutrality is similar to the one proposed by Tim Wu (professor at Columbia Law School and supporter of net neutrality). This amendment was accepted by Minister Verhagen and will most likely pass through Parliament on Tuesday 14 June. It reads as follows:

"Suppliers of public electronic communication networks that provide internet access services and internet service providers will not block or delay internet services or applications, unless it is necessary to block or delay these services:

a. to limit the effects of congestion, where similar traffic is treated equally;

b. for the integrity and safety of the network and service of the supplier;

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c. to limit the transfer of unwanted communication to the user (e.g., spam), as mentioned in Article 11.7 (1) DTA, provided that the user has granted his permission, or

d. to follow up a legal requirement or court order. (…)"

The Netherlands is the second country in the world, after Chile, and the first European country to regulate net neutrality in its national legislation.

Wijziging van de Telecommunicatiewet ter implementatie van de herziene Telecommunicatierichtlijnen

https://www.bof.nl/live/wp-content/uploads/Amendement-van-het-lid-Verhoeven-c.s..pdf

Amendment of the Dutch Telecommunications Act implementing the revised Telecommunications Directives

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