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Net Neutrality in Europe - La neutralité de l'Internet en Europe (Idées d'Europe) (French Edition)

Alain Strowel

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La neutralité de l’Internet requiert de garantir aux usagers un accès égal à tous les services et contenus en ligne. En pratique, la gestion du trafic oblige les opérateurs à différencier certains paquets d’information circulant sur les réseaux, par exemple pour lutter contre les messages indésirables. Parfois le traitement différencié des contenus engendre des discriminations non justifiées. Ainsi, en est-il si un opérateur en place dégrade un service concurrent de téléphonie sur Internet, tel que Skype. Le droit de la concurrence permet a priori de sanctionner un tel comportement anti-concurrentiel. Mais cela suffit-il à assurer la neutralité des réseaux ?

Par ailleurs, l’augmentation rapide du trafic et l’ampleur des investissements à faire dans les infrastructures du futur incitent les opérateurs à limiter les débits de base, tout en garantissant la qualité de services spécialisés, par exemple de vidéoconférence. Cette différenciation des offres a un prix. On s’éloigne du principe originel de l’Internet qui veut que toutes les communications soient traitées de la même manière. Depuis quelques années, des académiques et pionniers de l’Internet dénoncent le risque d’un Internet « à plusieurs vitesses ». Aujourd’hui, les voix des consommateurs se font entendre. Faut-il adopter une législation spécifique ?
Le cadre actuel des télécommunications en Europe suffit-il pour garantir la neutralité ? Mais d’abord, comment définir la neutralité de l’Internet ?

Telles sont quelques-unes des questions que cet ouvrage examine à un moment où la neutralité de l’Internet revient dans l’actualité. En juin 2013, la Commission européenne a en effet affiché sa volonté de légiférer en la matière. Le présent recueil de contributions vient donc à point nommé.

This book summarizes the state of discussions regarding net neutrality in Europe. It comes at the time the European Commission intends to legislate to guarantee the right of all citizens to access the open Internet. Net neutrality is not only about how to ensure the fundamental right to receive and impart online information. The rules on the protection of consumers, by fostering transparency, also contribute to Internet neutrality and openness. Similarly competition law prohibits anti-competitive discrimination, including in Internet communications. Net neutrality thus appears at the juncture of various areas of the law. The contributions of this book compare the merits of various forms of regulation and discuss the policy dimensions of the net neutrality debate.

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