
EU 망중립성 전문가 초청

국제 세미나

"5G 시대에 대비한

유럽의 망중립성 규제"

Net Neutrality in Europe (Frode Sørensen)

이하 내용은 개인적인

의견이며 Inca 공식

의견이 아님을 밝힙니다.

Dae Keun, Cho(Inca research & consulting.Ltd)

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1. (Why Soft rules in Norway)

노르웨이가 망 중립성 가이드라인을 만들게 된 계기라고 보이는 “NN incidents”는 무엇이며 당시 네덜란드, 슬로베니아와 같이 hard rules를 채택하지 아니 하고 soft rules(공동규제)로 정한 정책적 배경은 무엇인가? (Slide 6)

1. (Why Soft rules in Norway)

1.1 According to the slide 6, “NN incidents” are the trigger to make the soft rule(Guidelines) which adopted co-regulatory approach in 2009. What is the NN incidents?

1.2 At that time, why did Norway choose the soft rules not hard rule like the Netherlands or Slovenia?

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[Citation]

Norway has the longest running net neutrality regime in Europe

“In 2009 Norwegian net neutrality guidelines were adopted based on a co-regulatory approach, with clear rules against blocking and throttling of applications” (Frode Sørensen, In Net Neutrality Compendium, p. 231)”

2. (Soft rules vs Hard rules)

2015년 이전 Soft rules를 집행하던 시기와 2015년 Hard rules를 적용하고 있는 양 기간을 비교할 때 정책 집행 및 효과 측면에서 차이가 있는가? 있다면 어떠한 측면에서 그러한가?(Slide 6)

2. According to slide 6, Norway has the experience to execute the net neutrality regulation with soft(before 2015) and hard rules(after 2015). Is there any difference between them in terms of policy implementation and policy effectiveness. If any, please explain it.

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[Citation]

“Norway has had guidelines on net neutrality since 2009, and these seem to be working well as a regulatory tool to preserve net neutrality for the citizens.” (Frode Sørensen, In Net Neutrality Compendium, p. 236)”

3. (정책의 안정성/일관성)

3.1 유럽연합의 망 중립성은 두 가지 측면에서 정책적 안정성, 일관성이 높다고 평가한다. 그 이유는;

첫째, Digital Single Market이라는 EU차원의 공동목표를 추진하는 과정에서 이용자를 보호하기 위한 정책수단차원에서 도입

둘째, 개정과정이 어려운 Regulation이라는 hard Rule을 채택하였음(Slide 7)

Sørensen의 생각은 어떠한가?

3.2. RTR 의장의 발언에 따르면 2018년 정책 자문에도 불구하고 정책 변경 가능성이 적어 보인다. EU의 망 중립성 자문 결과와 변화 동향을 설명해 주시기 바랍니다.

3. (Policy Stability/Consistency)

3.1 I think that EU net neutrality policy is more stable and consistent than that of US because of two reasons.

One is that Net neutrality regulation in EU is an assistant tool to implement Digital Single Market(DSM) to promote EU economy revival. It has been adopted for protecting the European citizen in DSM

The other is Net neutrality regulation in EU has chosen the hard rules which is so difficult to amend.(Slide 7) What's your opinion?

3.2. According to RTR chairman's opinion, there is little possibility to revise the current net neutrality regulation in response to 5G era. Please explain the consultation result and European situation.

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[Citation]

“By placing net neutrality within the larger context of their DSM and Telecom package, the EU offered a coherent framework and thoughtful portal.” (Layton R. 2016, Net Neutrality Compendium. Springer, p.176)

“According to our findings, there is no evidence for it on [the] table. We haven’t seen any use case so far which wouldn’t be possible under the existing rules. Therefore, we think that the current Net Neutrality framework is flexible enough for 5G.”

Johannes Gungl(Executive Director of Austrian regulator RTR and current chair of BEREC)

4. (ISP의 상품 차별화와 망 중립성의 양립 가능성)

요금, 데이터양, 속도에 따라 이용자가 ISP의 상품을 선택할 수 있고, 해당 서비스가 특정 앱이나 콘텐츠만을 제한적으로 이용토록 만 하지 않는다면 망 중립성 위반이 아니라고 생각된다. (Slide 14)

그렇다면 ISP가 5G 기술로 낮은 속도부터 높은 속도까지 다양한 상품을 제공하되 앱이나 콘텐츠 액세스에 차별이 없다면 문제가 없다고 생각된다.

Sørensen의 생각은 어떠한가?

4. (Compatibility between ISPs' product differentiation and Net neutrality regulation)

If a consumer can choose the product ISPs provide by price, data volume and speed, and that product does not restrict to access a specific application or contents, ISPs' product differentiation behaviors would not violate net neutrality. (Slide 14)

In my opinion, there is the same context in 5G era, . Let us know yours.

[Citation]

“The goal of net neutrality is not that all traffic should be handled identically-which would never be possible in practice.

The aim is rather to preserve the Internet as an open platform for communication and avoid discrimination between applications or fragmentation of the Internet. ...

However, with regard to net neutrality, **the point is that the users of the Internet access who decides what their access is to be used for. ...**

Product differentiation can be fully compatible with net neutrality, since different speed classes mean that the different products have varying quality.

Differentiation based on other quality parameters such as time delay or service availability can also be used similarly.

By contrast, services that provide access to selected sets of content or applications would be typical examples of differentiation that would violate net neutrality.”

(Frode Sørensen, In Net Neutrality Compendium, p. 237)”

5. (SpS와 구분된 IAS의 품질)

저는 관리형서비스는 IAS 서비스의 이용 가능성과 일반적 품질을 훼손하지 않아야 한다는 점, IAS의 일반적 품질이 어떻게 평가되어야 하는가에 대해 문제가 될 수 있다고 제기한 Sørensen 의견에 동의합니다.

참고로 IAS의 품질을 결정하는 방식은 3가지를 생각해 볼 수 있습니다.

- ① 자국 내 시장압력(ISP간 경쟁)에 의해 품질이 결정될 것임(예: 4G 제공 기간 중 지속적 속도 개선) 경쟁 우위 확보를 위해 5G 기술 스펙이 허용하는 범위 내에서 가장 좋은 품질로 서비스를 제공하려는 유인 있음
- ② 국제 비교. 해외 제공되고 있는 서비스에 비추어 국내 서비스가 열등할 경우 이에 맞추도록 요구할 수 있는 reference가 되기 때문
- ③ 정부가 그 품질수준을 결정할 수 있음. 소위 최소품질을 정하는 것

5. (SpS & Quality of IAS)

I agree with Sørensen's opinion. "SpS shall not be to the detriment of the availability or general quality of IAS. And we are going to face a challenge. "How should "the general quality of IAS" be assessed?"

There are 3 ways to determine the quality of IAS, I think.

- ① Competition Pressure among ISPs in local market**
- ② Global reference**
- ③ Government intervention. Minimum Quality Regulation**

6. (IX와 망 중립성)

기본적으로 ISP간 상호접속 사안은 망 중립성 규제와는 무관한 사안.

유럽연합의 정책적 맥락에서 상호접속 분쟁이 규제 개입 없이 해결된다면(Slide 27)

IX 규제는 더더욱 망 중립성 규제 Agenda는 아니라고 판단됨

Sørensen, F.의 표현에 따르면 ISP 분쟁으로 인해 가입자속도가 느려져도 앱이나 콘텐츠를 동일하게 처리한다면 이 역시 망 중립성 위반이 아니라고 하고 있음(다음 슬라이드 영문 참조)

6. (IX & Net Neutrality Regulation)

Basically, there is no relationship between IP interconnection and net neutrality regulation.

According to Sørensen's slide 27, Interconnection disputes are typically resolved without regulatory intervention.

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[Citation]

“In some cases disputes arise when interconnection between the different providers’ networks need upgrading. Until such disputes are settled, this **can lead to short-term reduced speed** when users communicate via these interconnection.

But as long as all the different applications are treated equally, **this is not a direct violation of net neutrality.**”

(Frode Sørensen, In Net Neutrality Compendium, p. 237)”

[Reference]

1. Layton R. (2016) Test of the FCC's Virtuous Circle: Preliminary Results for Edge Provider Innovation and BIAS Provider Investment by Country with Hard Versus Soft Rules. In: Belli L., De Filippi P. (eds) Net Neutrality Compendium. Springer, Cham
2. Sørensen, F. (2016). A Norwegian Perspective on European Regulation of Net Neutrality. In Net Neutrality Compendium (pp. 231-239). Springer, Cham.
3. Sørensen, F. (2016). Specialised Services and the Net Neutrality Service Model. In Net Neutrality Compendium (pp. 99-107). Springer, Cham.
4. Sørensen, F. (2019). Net Neutrality in Europe – draft slides. Nkom.

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Thank you!

E-mail: dkc@incaresearch.co.kr