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Präsident der Europäischen Kommission
Mr. Jean-Claude JUNCKER
Rue de la Loi 200/Wetstraat 200
B-1049 Brussels BELGIUM

13.04.2015

EU-Kommissar Günther Oettinger und seine abgrundtiefe Angst vor dem andersartigen

Sehr geehrter Herr Präsident,

Wenn ich das Verhalten von Günther Oettinger, der in einem Statement verkündet hat "Was die Netzneutralität betrifft, da haben wir gerade in Deutschland Taliban-artige Entwicklungen. Da ist die Netzgemeinde, da sind die Piraten unterwegs, da gehts um perfekte Gleichmacherei." [4], gewinne ich den Eindruck, dass der EU-Kommissar für Digitale Wirtschaft und Gesellschaft von einer Angst überwältigt und dabei ist, diese Angst mit einer Flucht nach vorne zu verarbeiten. "Urzeitliche Reflexe bemächtigen sich des modernen Menschen. Er tut, was schon seine Vorfahren taten, die in der afrikanischen Savanne jagten, sammelten und sich mit feindseligem Getier herumschlugen: Er flieht, erstarrt oder kämpft." - beschreibt die badische-zeitung.de [5] das Verhalten einer Person bei einer Panikreaktion.

Die Angst von Günther Oettinger ist nicht zu übersehen. Auch wenn dieses irrationale Verhalten menschlich nachvollziehbar ist, so ein Verhalten ist kaum dafür geeignet, um tragfähige zukunftsweisende Lösungsansätze und Strategien für die digitale Welt zu entwickeln. "Rein formal gesehen, sollten EU-Kommissare die Interessen der Bürger der Europäischen Union vertreten. Womit auch der künftige Arbeitsplatz des Nochministerpräsidenten von Baden-Württemberg, Günther Oettinger (CDU), definiert wäre." , schrieb die taz [6] vor 5 Jahren, als Günther Oettinger als EU-Kommissar nach Brüssel ging.

Ich als Mitglied der Netzgemeinde und EU-Bürger melde hiermit das Interesse an, dass Sie, Herr Juncker, in der Eigenschaft als Präsident der Europäischen Kommission und als Arbeitgeber von Herr Oettinger geeignete Maßnahmen ergreifen, damit Herr Oettinger eine Chance bekommt von seinen Ängsten geheilt zu werden, um in der Lage zu sein, mit der Netzgemeinde, die wegen dem Taliban-Vergleich empört ist [1], in's Gespräch zu kommen.

Ich hoffe, dass Herr Oettinger zukünftig in der Lage ist, in einem lösungsorientierten Dialog mit der Netzgemeinde die Differenzen zu klären und Argumente auszutauschen. Über eine Mitteilung, ob Herr Oettinger grundsätzlich bereit ist mit der Netzgemeinde so ein Dialog zu führen, würde ich mich freuen.

Mit freundlichen Grüßen

[REDACTED]

Quellen

- [1] Suche nach Oettinger+Taliban - <https://duckduckgo.com/?q=Oettinger+Taliban>
- [2] Weckruf von Günther Oettinger an die Netzgemeinde - auf Wiedersehen am 19.03.2015 auf dem DLM Symposium in Berlin! - <http://neue-medienordnung-plus.sprechrun.de/?id=2499>
- [3] Günther H. Oettinger is a political liability for this Commission - <http://www.kosmopolito.org/2015/03/07/gunther-h-oettinger-is-a-political-liability-for-this-commission>
- [3.1] "giving him [Oettinger] the digital portfolio in the European Commission may have been Juncker's biggest political mistake so far." - so kosmopolito.org [3]
- [4] Günther Oettinger: Netzneutralität tötet, Befürworter sind Taliban-artig, 06.03.2015 - <https://netzpolitik.org/2015/guenther-oettinger-netzneutralitaet-toetet-befuerworter-sind-taliban-artig/>
- [4.1] "Was die Netzneutralität betrifft, da haben wir gerade in Deutschland Taliban-artige Entwicklungen. Da ist die Netzgemeinde, da sind die Piraten unterwegs, da gehts um perfekte Gleichmacherei. " [4]
- [5] Nur keine Panik!, 26.10.2009 - <http://www.badische-zeitung.de/gesundheit-ernaehrung/nur-keine-panik--21495346.html>
- [6] Oettinger wird EU-Kommissar. Keinen Plan für Brüssel, 27.10.2009 - <http://www.taz.de/!42921/>
- [7] Moderne Regulierung schaffen, Medienzukunft gestalten, 19.03.2015 - <http://www.dlm-symposium.org/>

From: [REDACTED] (CAB-OETTINGER) on behalf of OETTINGER Guenther (CAB-OETTINGER)
Sent: 01 April 2015 15:08
To: CAB OETTINGER ARCHIVES
Subject: FW: Offener "Videobrief" an Herrn Oettinger zu Thema Netzneutralität

From: [REDACTED] [mailto:kontakt@[REDACTED].de]
Sent: Tuesday, March 31, 2015 7:02 PM
To: OETTINGER Guenther (CAB-OETTINGER)
Subject: Offener "Videobrief" an Herrn Oettinger zu Thema Netzneutralität

Mein lieber Herr Oettinger,

ich bin Betreiber einer Startup-Internetplattform und IT-Architekt mit mehr als 10 Jahren Erfahrung im Netzwerk-Provider-Umfeld. Ich glaube von mir behaupten zu dürfen, auf der Ebene der systemübergreifenden IT-Architektur herausragendes Know-How zu besitzen. Gerade die Verbindung zwischen Applikations- und Netzwerk-Erfahrung ist eines meines Erachtens meine größte technische Stärke.

Leider bringen mich Ihre Äußerungen bezüglich "Abschaffung der Netzneutralität" regelmäßig auf die Palme. Ich finde es beschämend, daß ein EU-Kommissar für seinen Fachbereich dermaßen unqualifizierte Aussagen trifft - offensichtlich fehlt Ihnen für Ihr Amt die notwendige Qualifikation, ganz zu schweigen von einer minimal zu erwartenden Sozialkompetenz (ich sage nur: "taliban-artig").

In einem Video habe ich mich kurz mit den von Ihnen getätigten Aussagen auseinandergesetzt. Gerne erkläre ich Ihnen die Zusammenhänge noch genauer, aber für den Einstieg sollte das schon mal genügen:

<https://www.youtube.com/watch?v=T0TJPMASF9w>

Ich, als Kleinunternehmer im IT Umfeld, fühle mich mit der von Ihnen vorgegebenen Marschroute in der europäischen Netzpolitik nicht repräsentiert - im Gegenteil. Auf dem von Ihnen eingeschlagenen Weg, ersticken sie die Keime der Innovation und die Wettbewerbsfähigkeit von kleinen und mittelständischen Unternehmen. Stattdessen fördern Sie monolithische und ultra-konservative Konzernstrategien. Und dann wundern Sie sich, daß Europa kein zweites Google oder Facebook hervorbringt und hervorbringen kann?

Sollten sie nicht bereit sein, Ihren Standpunkt zumindest zu überdenken, muß ich Sie auffordern ihr Amt niederzulegen.

Hochachtungsvoll,

[REDACTED]

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myGig - Das Veranstaltungsportal

From: [REDACTED] e (CAB-OETTINGER) on behalf of OETTINGER Guenther (CAB-OETTINGER)
Sent: 10 March 2015 07:54
To: CAB OETTINGER ARCHIVES
Subject: FW: Netzneutralität

From: CNECT DESK
Sent: Monday, March 09, 2015 7:32 AM
To: OETTINGER Guenther (CAB-OETTINGER)
Cc: CNECT DESK
Subject: FW: Netzneutralität

From: [REDACTED] [mailto:info@[REDACTED].eu] On Behalf Of info@[REDACTED].eu
Sent: Sunday, March 08, 2015 11:41 AM
To: CNECT DESK
Cc: [REDACTED]
Subject: Netzneutralität

Sehr geehrter Herr Günther Oettinger!

Ihre Meinung zu Netzneutralität zeigt deutlich auf dass sie keine Ahnung von dem Inhalt Internet haben und Ihnen scheinbar jedes Sachverständnis abgeht für das Sie als Kommissar tätig sind.

„Kommissar Oettinger sieht bei den Befürwortern der Netzneutralität gar "Taliban-artige" Züge“.

Auf eine solche Aussage trifft wohl der Spruch zu, abgewandelt zur Werbung für Baden-Württemberg: außer Schwäbisch können Sie wohl nichts!

Hochachtungsvoll

[REDACTED]



EUROPÄISCHE KOMMISSION

Generaldirektion Kommunikationsnetze, Inhalte und Technologien

Elektronische Kommunikationsnetze und -dienste
Regulatorische Koordination und Nutzer

Brüssel, den 10 AVR. 2015

CONNECT/B2/PMC/gt

Ares (2015) 1138969

E-Mail: [info@\[REDACTED\].eu](mailto:info@[REDACTED].eu)

Sehr geehrter [REDACTED]

ich danke Ihnen für Ihren Brief vom 10. März 2015 an Kommissar Günther H. Oettinger hinsichtlich des Themas Netzneutralität. Herr Kommissar Oettinger hat mich gebeten, Ihnen in seinem Auftrag zu antworten.

Die Netzneutralität ist ein wesentlicher Pfeiler des digitalen Binnenmarkts und stellt damit eine Top-Priorität der Kommission Juncker dar. Die Kommission ist entschlossen, dieses Prinzip im EU-Recht zu verankern und damit eine weitere Fragmentierung der Telekommunikationsregulierung in Europa zu verhindern.

In Ihrem gesetzlichen Vorschlag für eine Verordnung des Europäischen Parlaments und des Rates über Maßnahmen zum europäischen Binnenmarkt der elektronischen Kommunikation und zur Verwirklichung des vernetzten Kontinents (KOM (2013)627) hat die Kommission mehrere Vorschriften in Bezug auf Netzneutralität in einem ausgewogenen Ansatz eingefügt: keine Blockierung, Drosselung und Diskriminierung von Online-Inhalten, Anwendungen und Diensten, Bestimmungen, die sicherstellen, dass die Internetkapazität weiterhin wächst, Regeln hinsichtlich des Netzwerkmanagement, welche die Endnutzerrechte auf ein offenes Internet sichern und Raum für weitere Innovationen im Bereich der Netzwerke und Dienstleistungen.

Das Europäische Parlament hat seine Stellungnahme am 3. April 2014 verabschiedet und der Rat erteilt am 4. März 2015 der lettischen Ratspräsidentschaft ein Verhandlungsmandat. Die Trilogverhandlungen haben im März 2015 begonnen.

Mit freundlichen Grüßen

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Europäische Kommission Brüssel
Rue de la Loi / Wetstraat 200
Herrn Günther Oettinger
Commissioner for Digital Economy and Society
1049 Brüssel
Belgien

Schwerin, 17. April 15
Seite 1/2

Offener Brief

Sehr geehrter Herr EU-Kommissar Günther Oettinger,

als Pionier der videogestützten Internetmedizin engagiert sich unser Start-Up arztkonsultation.de aus persönlicher Überzeugung mit viel Herzblut für die sinnvolle Nutzung des Internets, um eine flächendeckende ärztliche Versorgung auf dem Land signifikant zu verbessern. Wir wissen dabei die Bundesärztekammer, wie auch die Kassenärztliche Bundesvereinigung sowie zahlreiche ärztliche Institutionen und Professoren hinter uns.

Trotz des ganz offensichtlichen Bedarfs und belegt durch zahlreiche Studien, wie auch durch den großen Zuspruch bei allen unseren Kontakten, treibt diese Innovation weder ein großes Telekommunikationsunternehmen, noch ein finanzstarker Konzern aus dem Gesundheitswesen voran. Es sind unser ganz persönlicher Mut und unser bescheidenes Eigenkapital, die der Bevölkerung einen direkten Zugang zu ihrem Arzt ermöglichen, ohne dabei eine – auf dem Land oft weite – Fahrt auf sich nehmen oder eine besondere Hardware anschaffen zu müssen.

Das einzige, was hierzu vorhanden sein muss, ist ein **schnelles Internet**.

Seit über zehn Jahren versuchen zahlreiche Initiativen, die Politik zum Ausbau dieser elementar wichtigen Infrastruktur zu bewegen. Dennoch befindet sich ihre Qualität im Vergleich zu anderen öffentlichen Aufgaben auf einem peinlich schlechtem Niveau.

Nun fordern Sie, die **Netzneutralität** aufzuheben. Sie möchten, dass Firmen, die mit gutem Geld ausgestattet sind, besonders schnelle Internetverbindungen aufbauen können. Wir können uns das nicht leisten. Unsere Videokommunikation auch älterer Patienten mit ihrem Hausarzt wird mit nach Ihrem Vorschlag nachrangig übermittelt, gegenüber Freizeit-Videostreamingangeboten großer Medienanbieter. Ihr Vorschlag zementiert einen Protektionismus, der es den Großen erlauben wird, uns trotz ihrer verschlafenen Innovationskraft zu überholen, weil sie Kraft ihres Geldes eine bessere Qualität werden anbieten können. Mit Netzneutralität hingegen scheuen wir den Qualitätsvergleich nicht.

Statt nun das eigene Versagen zu korrigieren, hören Sie nicht nur auf die Einflüsterungen derjenigen, die kein Interesse an der Innovationskraft junger Start-Ups haben, sondern verunglimpfen Unternehmen unserer Art auch noch als Taliban. Das ist ein ungehöriger Vergleich und für uns eine völlig ungewohnte Tonalität.

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Geschäftsführer: Dr. Ole Roßbach,
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Amtsgericht Schwerin HRB 11789

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USt-IdNr.: DE293393746



Wir fühlen uns persönlich beleidigt - und Sie beleidigen damit nicht nur uns, sondern einen großen Teil der 144.000 niedergelassenen Ärzte in Deutschland, die unsere Zielgruppe darstellen und die sich schnelle Kommunikationswege mit ihren Patienten wünschen. Dies mit der Software ihrer Wahl, nicht mit derjenigen des durch Geld erkaufte schnelleren Anbieters. Besonders bitter stößt uns dabei auf, dass angesichts der Versäumnisse der Politik sowohl im Breitbandausbau, als auch in der Telemedizin ausgerechnet medizinische Szenarien Ihr Argument gegen die Netzneutralität darstellen. Noch einmal: Nicht Diejenigen haben diese Innovation auf den Markt gebracht, aufgrund deren durch Lobbydruck erkaufte Investitionsbereitschaft Sie nun setzen. Wir, arztkonsultation.de, haben dieses Kommunikationsmedium auf den Markt gebracht und wir werden durch Ihre Politik um unsere Früchte gebracht.

Das ist innovationsfeindlich.

Wir haben doch alles richtig gemacht! Wir haben Mut und Risikobereitschaft bewiesen, investiert und Innovationskraft gezeigt. Mitunter haben wir alles vollzogen, was uns seit Jahren als Mantra heruntergebetet wird: Man bräuchte mehr risikobereite junge Unternehmen, die mit Elan neue Ideen in die Welt tragen.

Verstehen Sie nicht, dass neue Ideen sich nur entfalten, wenn sie auch gedeihen können?

Hätte es die Netzneutralität nicht gegeben, hätten wir uns nie gegründet.

Bitte ändern Sie Ihre Politik!

Dr. Ole Roßbach

Dipl-Phys. Marc Mausch

Dr. Marc Dangers

[REDACTED] (CAB-OETTINGER)

From: MAMER Eric (CAB-OETTINGER)
Sent: 07 April 2015 11:04
To: CAB OETTINGER ARCHIVES
Cc: HEROLD Anna (CAB-OETTINGER)
Subject: FW: Press Publishers' key concerns on Digital Single Market Strategy
Attachments: 20150320 ENPA EMMA letter to Commissioner Oettinger on DSM strategy.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please r&a, Anna cdf.

Eric

From: [REDACTED] [mailto:[REDACTED]@enpa.be]
Sent: Friday, March 27, 2015 3:14 PM
To: MAMER Eric (CAB-OETTINGER)
Cc: [REDACTED] [REDACTED] [REDACTED]@magazinemedi.eu
Subject: FW: Press Publishers' key concerns on Digital Single Market Strategy

Dear Mr. Mamer,

Following the ENPA/EMMA letter highlighting press publishers' main priorities for the Digital Single Market Strategy, we would like to propose you a follow-up meeting.

The objective would be to discuss with you about the different issues we have raised in the attached letter and how this strategy could address those.

We would be grateful if you could suggest us some dates which would be convenient for your agenda.

We thank you in advance for your attention,

Yours sincerely,

[REDACTED]



ENPA - European Newspaper Publishers' Association

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www.enpa.be

From: [REDACTED]
Sent: 20 March 2015 13:17
To: michael.hager@ec.europa.eu; eric.mamer@ec.europa.eu; [REDACTED]@ec.europa.eu
Cc: [REDACTED]@magazinemedi.eu; [REDACTED]
Subject: Press Publishers' key concerns on Digital Single Market Strategy

Dear Commissioner Oettinger,

Re: Press publishers' key concerns ahead of discussion in the College of Commissioners on the Digital Single Market Strategy

ENPA, the European Newspaper Publishers' Association, and EMMA, the European Magazine Media Association, would like to actively contribute to the debate on the future Digital Single Market (DSM) Strategy, due to be presented by the Commission in May 2015. Ahead of the forthcoming discussion in the College of Commissioners on the DSM, please find attached a letter highlighting the main strategic priorities and challenges of the press publishing sector in Europe, which proposes ways in which these priorities could be addressed in the future DSM Strategy. In brief:

- **Digitisation has not reduced but increased the need for copyright protection.**
- **It is vital for Member States to be able to apply lower VAT rates for digital press and for this issue to be addressed in the forthcoming DSM Strategy.**
- **Fair competition and transparency in the digital world is essential: principles such as fair search, net neutrality and platform neutrality are key and have to be upheld.**
- **Data protection rules should not hamper a free and independent press.**
- **It is vital to maintain the exception for the press in the AVMS Directive, as well as a sufficient advertising share for the press sector.**

We hope that you will take these high priorities for the press publishing sector into consideration in the Digital Single Market Strategy. Please do not hesitate to contact us with any questions you may have.

[Redacted]
[Redacted]
ENPA [Redacted]

[Redacted]
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EMMA [Redacted]

Contacts:

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Tel: +32 (0)2 [Redacted]
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European Commissioner for Digital Economy and Society
Mr. Günther Oettinger
Rue de la loi, 200
1049 Brussels, Belgium

Brussels, 20th March 2015

Dear Commissioner Oettinger,

Re: Press publishers' key concerns ahead of discussion in the College of Commissioners on the Digital Single Market Strategy

ENPA, the **European Newspaper Publishers' Association**, and EMMA, the **European Magazine Media Association**, would like to actively contribute to the debate on the future Digital Single Market (DSM) Strategy, due to be presented by the Commission in May 2015. In view of the forthcoming discussion in the College of Commissioners, we would like to highlight the main strategic priorities and challenges of the press publishing sector in Europe, and propose ways in which these priorities could be addressed in the future DSM Strategy.

- **Digitisation has not reduced but increased the need for copyright protection**

Newspaper and magazine content – delivered in print and across all digital platforms - represents a vital contribution towards building a better-informed and engaged democratic society. **Effective copyright protection is a key factor in securing the independent journalism, news and analysis that are fundamental elements of any democracy.** Digitisation has not reduced but increased the need for copyright protection, together with better enforcement. Press publishers must be able to rely on copyright protection to ensure remuneration for their significant investment and for the sustainable delivery of the high-value, quality, professional content they produce for Europe's citizens and businesses.

The substantial investment of publishers in developing new business models is based on the existing EU copyright framework, which carefully balances rights, exceptions and limitations. It is of vital importance that the crucial decision on the future of a new copyright framework is taken in full knowledge of the real economic impact of any new exceptions. For example, the ability of publishers to license their content for press review and other services has long provided a legitimate and essential revenue stream which could be **devastated by a new exception for text and data mining.** Likewise, there should continue to be the possibility for publishers to authorise and make **appropriate agreements with libraries/universities to allow for off-premises online consultation of works.**

One of the key challenges facing press publishers in the digital environment is how to ensure that technology companies, news aggregators and other third parties do not extract the value of their content, without remuneration for those who created or invested in that content. Effective IPR enforcement mechanisms and procedures are essential to combat both piracy and parasitism; as well as to ensure that rights holders and society at large can fully enjoy the benefits of the IP system. Therefore, a modernised EU copyright framework should include a distinct right for publishers to protect their printed and digital press products, in line with long existing rights for other creative industries such as, for example, broadcasters or phonogram and film producers. An ENPA EMMA position paper on copyright reform is also available which goes into these issues in more detail.

- **It is vital for Member States to be able to apply lower VAT rates for digital press**

The recent ruling of the Court of Justice of the European Union against France and Luxembourg, following their consistent application of a lower VAT rate to print and e-books, has demonstrated the need for the EU to urgently update its VAT system to the reality of today's digital market. Press publishers therefore call on the Commission to present without further delay a legislative proposal allowing Member States to apply to digital press the same zero, super reduced and reduced VAT rates that currently apply to printed press. **It is vital that this issue is addressed in the forthcoming DSM Strategy.**

Newspaper and magazine publishers regard this update of the EU VAT system as indispensable to remove a major obstacle to the further development of the digital press market in Europe. Lowering the VAT rate on digital press would promote the access of European citizens to authoritative and independent press content on all platforms, which plays such a crucial role in European democracy. Several Member States and many Members of the European Parliament have already called for this essential adaptation of the EU VAT system to the digital age.

In this context, **the possibility for Member States to apply zero, super reduced or reduced VAT rates to printed newspapers and magazines has made an indispensable contribution to wider public policy goals and should be maintained in any review of the EU VAT system.**

- **Fair competition and transparency in the digital world is essential**

In the Digital Single Market, fair competition and transparency are vital to maintain media plurality and to promote informed citizenship. In order to allow readers to find and access press content, non-discriminatory and fair access of publishers to all digital platforms, as well as transparent and fair search engines, are prerequisites for the development of attractive and sustainable content offers. **Principles such as fair search, net neutrality and platform neutrality are key and have to be upheld**, with the intervention of competition authorities where necessary. Otherwise, legislators must act in order to prevent gate-keeping or bottleneck effects that could hamper the development of content offers online.

In particular, Google's market behaviour and consequently the Commission's investigation in the **Google competition case (AT.39.740)** are crucial to press publishers' economic viability, media pluralism and diversity, as well as for future investments in new jobs, products and premium content. ENPA's Spanish member AEDE and German member BDZV, jointly with EMMA's German member VDZ, are formal complainants in the Google case.

We share the Commission's preliminary assessment of 13th March 2013, that Google is abusing its dominant position in the field of web search services and welcome the Commission's intention to find appropriate remedies for this market distortion. Publishers from Germany and Spain, supported by the vast majority of publishers from across Europe, have expressed the view that it is time for the Commission, as a highly respected competition authority, to enforce EU Competition rules effectively. **Only a clear ban on Google's preferential treatment of its own services and content within its quasi search monopoly can put an end to the anti-competitive conduct** and would restore competition, innovation and consumer choice in the digital market.

- **Data protection rules should not hamper a free and independent press**

The draft Regulation on Data Protection is currently being debated in the Council, where the Latvian Presidency aims at an agreement on the text by June 2015. As the Commission's role is still prominent in the ongoing Council discussions - and will be also in the future trialogue discussions - it has a **key role in ensuring that the final text agreed does not affect Europe's core democratic values which include press freedom**. The draft Regulation must ensure that journalists can continue fulfilling their daily mission.

In this respect, **Article 80 should not include a weaker press exemption** than under the existing Directive 1995/46/EC. It should not be affected by overly restrictive measures in Article 17 concerning the right to be forgotten, following the ruling of the Court of Justice of the European Union. ENPA and EMMA therefore call on the Commission to ensure in the ongoing Council discussions and in the trialogue that the draft Regulation does not in any way create more obstacles to journalistic data processing and access to editorial press content.

The draft Regulation **should also not endanger press subscriptions and controlled circulation**, which strongly depend on data processing for direct marketing purposes, as allowed under the existing Directive. A too restrictive approach, in particular on Articles 6, 19 and 20, could seriously affect the sustainability of press business models because it would prevent publishers from reaching potential new subscribers and readers. The draft Regulation should not create new obstacles to data processing based on opt-out direct marketing.



- **It is vital to maintain the exception for the press in the AVMS Directive**

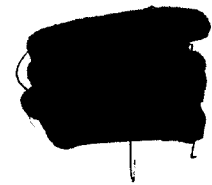

Consultations are underway regarding the future revision of EU Directive on Audiovisual Media Services (AVMS), which explicitly excludes electronic versions of newspapers and magazines from its scope. It is important to underline from the outset, that the press sector in Europe, in all its forms, cannot be regulated in the same way as broadcasting services which are based on state licensing, prior authorisation and supervision of content by authorities, co-regulation and specific, strict commercial communications restrictions. In any review of the AVMS Directive, it is also **essential to preserve press freedom on digital platforms by keeping an exemption for editorial press content, including audiovisual videos.**

In the interests of maintaining a vibrant and pluralistic media landscape, where the broadcast media and the press can co-exist successfully in the Digital Single Market as vehicles of information, policymakers must realise the importance of maintaining a sufficient advertising share for the press. The 12 minute per hour limitation for advertising for broadcast programmes was not only established as a consumer protection measure but also to allow a fair distribution of advertising between different media. It is therefore **important that this limit remains in place.**

The possibility to grant certain content providers (e.g. public service broadcasters) **privileged status with regard to their findability** on these new hybrid platforms is against the principle of net neutrality, as it would affect the availability of access to other types of content on an equal and non-discriminatory basis, and **should therefore be rejected.**

We hope that you will take these high priorities for the press publishing sector into consideration in the Digital Single Market Strategy. Please do not hesitate to contact us with any questions you may have.



ENPA



EMMA

CC:

Mr Michael Hager, Head of Cabinet
Mr Eric Mamer, Deputy Head of Cabinet

[REDACTED] (CAB-OETTINGER)

From: [REDACTED] (CAB-OETTINGER) on behalf of MAMER Eric (CAB-OETTINGER)
Sent: 01 April 2015 10:13
To: CAB OETTINGER ARCHIVES
Subject: FW: Net Neutrality: US vs. EU positions
Attachments: NN comparison EU-US.pdf

Follow Up Flag: Follow up
Flag Status: Completed

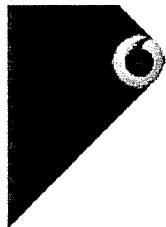
From: [REDACTED] Vodafone Group [mailto:[REDACTED]@vodafone.com]
Sent: Tuesday, March 24, 2015 4:49 PM
To: HAGER Michael (CAB-OETTINGER); MAMER Eric (CAB-OETTINGER)
Cc: [REDACTED]@telefonica.com); [REDACTED]@telekom.de); [REDACTED]@orange.com)
Subject: Net Neutrality: US vs. EU positions

Dear Michael and Eric,

At the dinner Commissioner Oettinger had with the [REDACTED] of Orange, Deutsche Telekom, Telefonica and Vodafone in Barcelona earlier this month, the Commissioner asked for an analysis of the respective positions on net neutrality in the EU and US, in light of the recent FCC decision. We have waited to produce the enclosed analysis, which is agreed between the four companies, until we had a chance to go through the full FCC text. We hope that you will find it useful in informing the current legislative process.

With best wishes,

[REDACTED]



vodafone.com

[REDACTED]
Vodafone Group Services Limited
Mobile: +44 7867 [REDACTED]
Email: [REDACTED]@vodafone.com

Vodafone Group Services Limited Registered Office: Vodafone House, The Connection, Newbury, Berkshire RG14 2FN
Registered in England number 3802001

Net Neutrality Proposals –Comparison between US and EU proposals

Topic	EU as defined in the European Council text	US
User right to an open Internet	End user right to access and distribute content and information, and to use applications, services, and terminal equipment of their choice	No specified right
Definition of net neutrality	No technical definition of net neutrality ; open Internet chapter contains no reference to concept of ‘net neutrality’	No technical definition of net neutrality; open Internet order contains no reference to concept of ‘net neutrality’
Restrictions to traffic management practices	<ol style="list-style-type: none"> 1. Equivalent traffic to be treated equally 2. Not block, slow down, alter, degrade or discriminate against specific content, applications or service 3. General requirement of non-discrimination imposed on traffic management measures 4. Shall not be anti-competitive 	<ol style="list-style-type: none"> 1. No blocking of lawful content, services, applications or non-harmful devices. 2. No impairment/degrading (“throttling”) of lawful Internet traffic 3. No paid prioritisation
Exceptions	<ol style="list-style-type: none"> 1. For legal/security reasons 2. To prevent network congestion: operators can prevent pending network congestion and mitigate the effects of exceptional or temporary network congestion, provided that equivalent types of traffic are treated equally 3. On explicit request by the end user for spam/parental controls 	<ol style="list-style-type: none"> 1. Reasonable network management permitted and includes practices for ensuring network security and integrity, such as addressing a denial-of-service attack, alleviate network congestion and practices addressing traffic that is unwanted by end users (spam, parental controls). The Commission acknowledges that mobile broadband providers may have a greater need to apply network management practices 2. Exceptions to paid prioritisation – Services that the Commission has granted a waiver for, where there is significant public interest benefit and no harm to the open nature of the Internet
Specialised services	<ul style="list-style-type: none"> • No legal definition of specialised services • Characterised by a specific level of quality of service; services other than internet access services • Providers need to ensure that sufficient network capacity is available so that the availability and quality of internet access service for other end-users are not impaired in a material manner 	<ul style="list-style-type: none"> • No legal definition of specialised services • Characterised mainly as not being internet access and requiring specific forms of traffic managements. The order contains reference to earlier work of an advisory body which <i>inter alia</i> said that these services should not be used to reach large parts of the Internet • Examples of such services include: broadband providers’ existing facilities-based VoIP and IP video offerings;

		<p>connectivity bundled with e-readers, heart monitors, or energy consumption sensors offered by broadband providers; limited-purpose devices such as automobile telematics; and services that provide schools with curriculum-approved applications and content.</p> <ul style="list-style-type: none"> • FCC to monitor and intervene if it finds open internet rules are circumvented
Mobile/fixed	<ul style="list-style-type: none"> • Same rules apply to mobile and fixed 	<ul style="list-style-type: none"> • Same rules apply to mobile and fixed (new)
Enterprise	<ul style="list-style-type: none"> • Same rules apply to IAS for enterprise/consumers 	<ul style="list-style-type: none"> • Rules do not apply to enterprise services
End user offers	<ul style="list-style-type: none"> • Not a priori restricted – differentiated offers to end users may be made but transparency requirements apply. • Commercial practices should not infringe end users’ right to access and distribute content and information, in particular not, given their scale, influence end-users’ behaviour to use certain content, applications or services in preference to others in a way that end-users’ choice is significantly reduced in practice (Recital 6). 	<ul style="list-style-type: none"> • Not restricted, but increased transparency + FCC ability to oversee commercial offers.
Zero rating	<ul style="list-style-type: none"> • Allowed, addressed in recital (6) and in Article 3 – 2 commercial practices must not significantly reduce end users’ choice in practice as set out above. 	<ul style="list-style-type: none"> • Allowed, subject to Code of Conduct
Interconnection	<ul style="list-style-type: none"> • Not regulated under open Internet provisions • May be subject to interconnection obligations under Art. 5 Access Directive, which gives competence to NRAs to solve technical or commercial interconnection disputes between network providers and service providers 	<ul style="list-style-type: none"> • FCC retains authority to protect against anticompetitive and discriminatory practices involving Internet traffic exchange through common carrier prohibitions on “unjust and unreasonable practices”, but will forbear from applying a majority of the other provisions of the Act to Internet traffic exchange arrangements
Safeguards for “best efforts” internet	<ul style="list-style-type: none"> • National regulatory authorities to monitor QoS and promote the continued availability of internet access services at levels of quality that reflects advances in technology • Ability to impose technical characteristics and minimum QoS. 	<ul style="list-style-type: none"> • Increase transparency and enforcement requirements

[REDACTED] (CAB-OETTINGER)

From: [REDACTED] (CAB-OETTINGER)
Sent: 17 March 2015 19:24
To: CAB OETTINGER ARCHIVES
Subject: FW: eBay meeting / Follow-up / Request for a meeting between [REDACTED] eBay Europe and Commissioner Oettinger

Follow Up Flag: Follow up
Flag Status: Completed

Pls register.

I had them on the phone and informed them that GHO not in Bxl on 16 March; meeting with MH on 17 March was not possible for them.

From: [REDACTED] [mailto:[REDACTED]@ebay.com]
Sent: Monday, March 02, 2015 7:01 PM
To: [REDACTED] (CAB-OETTINGER)
Subject: RE: eBay meeting / Follow-up / Request for a meeting between [REDACTED] eBay Europe and Commissioner Oettinger

Dear [REDACTED]

Just a quick addition to my email from last Thursday [REDACTED] will need to take a plane out of Brussels at 16:30 on 16 March. If a meeting with Commissioner Oettinger is possible that date, it would ideally take place at 14:00.

Best wishes,
[REDACTED]

From: [REDACTED]
Sent: Thursday, February 26, 2015 2:54 PM
To: [REDACTED]@ec.europa.eu
Subject: FW: eBay meeting / Follow-up / Request for a meeting between [REDACTED] eBay Europe and Commissioner Oettinger

Dear [REDACTED]

Hope you are well!

I wanted to follow up with you regarding the below request for a meeting between Commissioner Oettinger and [REDACTED] (eBay Marketplaces Europe) on 16 June. Did you already have the chance to assess this?

Many thanks in advance,
[REDACTED]

[REDACTED]
[REDACTED]
eBay Inc.
T +32 (0) 2 788 [REDACTED] M +32 (0) 490 [REDACTED]
[REDACTED]@ebay.com
www.ebaymainstreet.com/region/europe/

ebay inc

From: [REDACTED]
Sent: Friday, February 20, 2015 5:23 PM
To: Michael.Hager@ec.europa.eu
Cc: [REDACTED]
Subject: Re: eBay meeting / Follow-up / Request for a meeting between [REDACTED] eBay Europe and Commissioner Oettinger

Dear Michael,

Many thanks for meeting with us last week in Brussels. I enjoyed our discussion about some of the key priorities for the Digital Single Market Strategy and I am sorry we could not continue our discussion as we had to leave for a meeting with the Cabinet of Commissioner Malmström.

I was particularly heartened by your interest into the various work streams occupying DG Comp. The abuse by certain companies of their dominant position can have a significant impact on merchant selling platforms and is a matter of great importance to eBay and hundreds of thousands of SME sellers in Europe. Small players using Internet platforms need strong, broad and future-proof competition enforcement action and remedies from the Commission and your support will be crucial. This applies not only to the unjustified platform bans as part of discriminatory practices by suppliers and certain brand owners within their selective distributions systems, but also to other actors that try to exert their influence over the online world in ways which are unwarranted and unduly restrictive. The DSM strategy should definitely include specific actions to bring an end to anti-competitive practices that represent one of the most significant barriers to the development of online and cross-border trade within the Community and the world.

Both issues have strong links to the growing debate on platform neutrality and platform regulation. We see this as potentially complementing competition law enforcement. You will find in eBay a constructive contributor to a debate that will undoubtedly become central to the DSM strategy in the years to come. As indicated during our meeting, we are developing our position and recommendations with respect to platform regulation and look forward to sharing these with you in the near future.

In fact, I will personally return to Brussels on 16/17 March. I will accompany the [REDACTED] Bay Marketplaces Europe [REDACTED] who is scheduled to meet Commissioner Vestager on Monday, 16 March, at 12:00 noon.

As you may remember [REDACTED] wrote to Commissioner Oettinger in January (letter attached for your reference) and it would be a great opportunity for Paul to meet Commissioner Oettinger after his meeting with Commissioner Vestager on the 16th in the afternoon to discuss progress and political strategy on the Google case, our key DSM strategy priorities and share our high-level thoughts on platform neutrality/regulation [REDACTED] and [REDACTED] will follow up with you to see if such a meeting can be organized on the 16th.

In any case, I very much look forward to continuing our strategy discussions on the DSM and hope to meet you again during my next visit to Brussels in March.

With best regards,

[REDACTED]

[REDACTED]

eBay Inc.
408 37 [REDACTED] M 408 [REDACTED]
[REDACTED]@ebay.com

[REDACTED] (CAB-OETTINGER)

From: [REDACTED] (CAB-OETTINGER) on behalf of OETTINGER Guenther (CAB-OETTINGER)
Sent: 16 March 2015 17:29
To: CAB OETTINGER ARCHIVES
Subject: FW: Meeting Request - Allegro Group

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED] [mailto:[REDACTED]@allegrogroup.com]
Sent: Sunday, March 15, 2015 11:21 AM
To: OETTINGER Guenther (CAB-OETTINGER)
Cc: Allegro@grayling.com
Subject: Re: Meeting Request - Allegro Group

Dear Commissioner Oettinger,

With your mandate now firmly established, I wonder if you or your staff would be available to meet in the coming weeks. As explained below, I believe we have a unique and important voice in the Brussels policy community.

Best regards,

[REDACTED]
Allegro Group
Rue de la Loi 227, 4th Floor
B-1040
Brussels
+32 491 [REDACTED]
[REDACTED]@allegrogroup.com

allegrogroup

Read our blog at <http://ecommerce.blogactiv.eu/>

From: [REDACTED] [mailto:[REDACTED]@allegrogroup.com]
Date: Tuesday 18 November 2014 14:11
To: "guenther.oettinger@ec.europa.eu" <guenther.oettinger@ec.europa.eu>
Cc: "Allegro@grayling.com" <Allegro@grayling.com>
Subject: Meeting Request - Allegro Group

Dear Commissioner Oettinger,

Firstly allow me to offer my sincerest congratulations on your appointment as Commissioner for the Digital Economy and Society. As the leading Central and East European e-commerce company, we at the Allegro Group have read with interest your various statements in recent weeks, which demonstrate a firm commitment to driving forward the digital agenda in Europe.

As the first (and currently only) European Internet company to have a permanent representation in Brussels, we very much hope that we can be an important partner for you in your

efforts to establish a robust policy framework for Internet governance in Europe, notably with regard to the following key objectives:

- ∅ **Placing European SMEs and users of Internet services at the heart of EU Internet policy**
 - o Our businesses operate consumer e-commerce platforms in four key segments: marketplaces, retail, classifieds, and payments.
 - o We can therefore provide first-hand knowledge of Internet users' needs from an EU policy perspective, from competition law to intellectual property legislation (including copyright reform).

- ∅ **Taking concrete steps towards the completion of the digital single market**
 - o We are a strong advocate of the digital single market as a way to enable European Internet companies to gain a leadership position in the global marketplace.
 - o By virtue of our business model, we work with an extensive network of SMEs in 9 EU countries and can provide detailed insight into how to optimise the economic opportunities afforded by the digital single market to their benefit in the long-term.

- ∅ **Ensuring that robust net neutrality rules are put in place to the benefit of both the market and consumers**
 - o We are amongst the strongest European voices calling for strong, unambiguous net neutrality regulation in Europe.
 - o I would be eager to discuss with you the draft 'Connected Continent' text as it now stands, focusing on priority provisions which will enshrine net neutrality to the benefit of European Internet companies, and those in which there is still room for improvement to ensure they are future-proof.

- ∅ **Introducing a solid and future-proof legal framework for the protection of European citizens' privacy**
 - o As an active member of the Industry Coalition for Data Protection (ICDP), we have closely followed the draft Data Protection Regulation since its tabling in 2012.
 - o I would be pleased to share with you our views on the text as it stands, in addition to other topics such as the future review of the 2009 e-Privacy Directive and the evolution of international data protection agreements with third countries, including Safe Harbor with the US.

I would therefore like to request a meeting with you at your earliest convenience in order to present our company, vision, and key policy priorities, and to understand where the Allegro Group as a strong leader of the European digital sector can support you by gathering data, knowledge and experience to move a new European digital agenda forward.

I look forward to hearing from you.

With highest regards,

[Redacted]

[Redacted]

Allegro Group
Rue de la Loi 227, 4th Floor
B-1040
Brussels
+32 491 [Redacted]

[Redacted] [@allegrogroup.com](mailto:[Redacted]@allegrogroup.com)

allegrogroup

Read our blog at <http://ecommerce.blogactiv.eu/>

[REDACTED] (CAB-OETTINGER)

From: [REDACTED] (CAB-OETTINGER) on behalf of OETTINGER Guenther (CAB-OETTINGER)
Sent: 02 March 2015 15:02
To: CAB OETTINGER ARCHIVES
Subject: FW:

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----

From: [REDACTED]@bt.com [mailto:[REDACTED]@bt.com]
Sent: Sunday, March 01, 2015 8:56 PM
To: OETTINGER Guenther (CAB-OETTINGER)
Cc: MAMER Eric (CAB-OETTINGER); [REDACTED]@bt.com
Subject:

Dear Guenther

It was a great pleasure to meet you in Brussels last week.

We are of course continuing to input to your teams on the Digital Single Market strategy and on the telecoms package, including on copyright (where we see a case for some limited content portability), on wholesale access conditions in the EU for converging telecoms and pay-tv markets, and on a principles-based approach to net neutrality. We hope too that progress can be made on fair local network access to the US market, in a similar way to US operator access to EU markets. We think too there is an urgent need for a more flexible regime for broadband state aid to recognise the issues in cities as well as in rural areas.

I do hope you can find time to visit BT when next in London.

Best

[REDACTED]

*

[REDACTED] d (CAB-OETTINGER)

From: [REDACTED] (CAB-OETTINGER)
Sent: 21 January 2015 15:43
To: CAB OETTINGER ARCHIVES
Subject: FW: Meeting request with the Center for Democracy & Technology
Attachments: CDTEuropeIntro.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please R&A – was apparently also sent to [REDACTED] and [REDACTED]
Thanks, [REDACTED]

[REDACTED]



European Commission
Cabinet of Commissioner Oettinger

BERL 09/73
B-1049 Brussels/Belgium
+32 2 2 [REDACTED]
[REDACTED]@ec.europa.eu

From: [REDACTED] [mailto:[REDACTED]@cdt.org]
Sent: Wednesday, January 21, 2015 2:42 PM
To: [REDACTED] (CAB-OETTINGER); [REDACTED] (CAB-OETTINGER)
Cc: [REDACTED]
Subject: Meeting request with the Center for Democracy & Technology

Dear Ms [REDACTED]

I am writing to you to inquire about the possibility of setting up a meeting with Center for Democracy & Technology's (CDT) [REDACTED] to discuss some of the important issues and proposals that are currently on the European Union policy agenda. In particular, freedom of expression, specially after the horrific terrorist attack at the Charlie Hebdo offices in Paris. The tragedy lays bare controversial and divisive questions regarding free expression and efforts to prevent terrorism and violence motivated by political and religious extremism. European leaders have been quick to announce heightened security responses. However, caution is needed to ensure that any new security measures are proportionate, that they strengthen and advance the free expression rights of all, and that they avoid creating a chilling effect from surveillance.

We are also interested in other important digital policy issues under discussion, such as the proposed Connected Continent regulation and its net neutrality provisions, the proposed Data Protection regulation, copyright, cyber security and Internet governance.

We have also contacted your colleagues [REDACTED] te, [REDACTED] and [REDACTED] to discuss similar relevant issues according to their respective portfolios. We would be happy to meet you and your colleagues at the same time if you think it is the most convenient thing to do.

CDT is a non-profit public policy organisation, focused on technology policy as it pertains to civil liberties and human rights. We believe in the power of the Internet. Whether it is facilitating entrepreneurial endeavours, enabling access to education, healthcare and social development, or creating a platform for free expression and political debate, the Internet empowers, emboldens, and equalises people around the world. Our mission is to promote policies that keep the Internet open, innovative and free.

CDT is headquartered in Washington, DC, and is active in shaping policy debates both in Europe and globally. The attached short brochure provides an overview of the policy areas we cover. Please visit www.cdt.org for comprehensive information about CDT and its activities.

We hope it will be possible to organise a meeting in the coming weeks, and thank you in advance for considering our request. I will take the liberty of contacting your office in due course to follow up, but in the meantime, please do not hesitate to contact us with any questions or comments.

Best regards,

[Redacted signature]

--

[Redacted name]

Center for Democracy & Technology
Rue d'Arlon 25 - B-1050 Brussels
Tel: +32 2 219 99 99
GSM: +32 47 30 30 30
Fax: +32 2 219 99 99
Email: info@cdt.org
Web: <http://www.cdt.org>
Twitter: @CenDemTech



Advocates for Digital Rights in Europe

At the Center for Democracy & Technology (CDT), we believe in the power of the Internet. Whether it's facilitating entrepreneurial endeavours, enabling access to education, healthcare and social development, or creating a platform for free expression and political debate, the Internet empowers, emboldens, and equalises people around the world.

CDT is a champion of global online civil liberties and human rights, driving policy outcomes that keep the Internet open, innovative, and free.

As a nonprofit organisation, we work to preserve the user-controlled nature of the Internet and champion freedom of expression. We support laws, corporate policies, and technology tools that protect the privacy of Internet users, and advocate for stronger legal controls on government surveillance.

Based in Washington, D.C., and with a presence in Brussels, London and San Francisco, CDT works inclusively across sectors and the political spectrum to find tangible solutions to today's most pressing internet policy challenges.

+ Internet and Technology Policy Advocates in the EU

The European Union plays a major role in shaping the policies of the global Internet, exerting influence far beyond its own borders. CDT works actively with the EU institutions, Member States, civil society, and the technology sector to forge outcomes that respect legal, political, and cultural differences while promoting the core values of an open and inclusive internet.



EU Policy Areas of Focus

+ Net Neutrality

The Internet enables users to access content and services of their choice, and it allows entrepreneurs to reach customers all over the world. Preserving the openness of the Internet is a key challenge for policy makers. CDT works with companies and NGOs to promote solutions that establish unambiguous non-discrimination principles for internet traffic while enabling network operators and ISPs to deploy new and innovative services.

+ Government Surveillance & Access to Personal Data

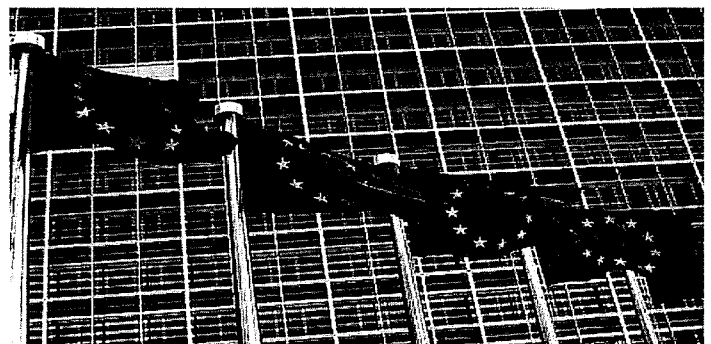
To maintain balance, government surveillance programmes and policies must be targeted, proportionate, and respectful of human rights worldwide. CDT works hard to curb excessive electronic surveillance programmes in the US, as well as in other countries, and bring them into compliance with human rights norms.

+ Digital Copyright & Intermediary Liability

Copyright policies that provide incentives and protections for creators, without curtailing the unique ability of the Internet and digital media to empower users, are critical. As major changes to copyright law and policy are considered, including the European Commission's ongoing public consultation, it's important to ensure that the result is copyright that works for everyone.

+ Data Protection & Privacy

As innovative technologies emerge with new, sophisticated data collection capabilities, protecting users' privacy and ensuring security becomes increasingly important. The EU is working on updating its data protection rules. CDT has been actively engaged in this process, and has published in-depth papers on The Right to Be Forgotten and Pseudonymous Data.



+ Internet Governance

Open, inclusive, and multi-stakeholder Internet governance is vital to ensuring innovation and a respect for human rights. CDT engages in a range of international governance processes that shape the policies and norms for information and communication technologies. We seek to strengthen the voice of global civil society in governance debates.

Visit www.cdt.org.

CONTACT

Rue d'Arion 25, 1050 Brussels
Tel: +32(0) 2 2
@cdt.org
CDT@CenDemTech

[REDACTED] (CAB-OETTINGER)

From: HAGER Michael (CAB-OETTINGER)
Sent: 12 February 2015 08:36
To: CAB OETTINGER ARCHIVES; SCHULTE Markus (CAB-OETTINGER)
Subject: FW: Meeting with [REDACTED] Telstra and [REDACTED] GSMA

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED] [mailto:[REDACTED]@team.telstra.com]
Sent: Thursday, February 12, 2015 7:36 AM
To: HAGER Michael (CAB-OETTINGER)
Cc: SCHULTE Markus (CAB-OETTINGER), [REDACTED] (CAB-OETTINGER), [REDACTED]
Subject: Meeting with [REDACTED] Telstra [REDACTED], GSMA

Dear Mr Hager

I write to seek a meeting during Mobile World Congress between Commissioner Oettinger and [REDACTED] Telstra and [REDACTED] GSMA.

As Chair of the PPC David is focussed on encouraging constructive industry advocacy on the complex regulatory questions arising from the rapid evolution of the telecoms sector, and providing thought leadership on policy questions including net neutrality, the reputation of the sector, and how we can best facilitate the enormous consumer benefits of the 'internet of things'.

If Commissioner Oettinger will be in Barcelona and would see value in meeting David, I will coordinate with your office to arrange a time and place.

Yours sincerely,

[REDACTED]



P 02 986 [REDACTED]
M 0419 [REDACTED]
E [REDACTED]@team.telstra.com
W www.telstra.com

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[REDACTED] (CAB-OETTINGER)

From: MAMER Eric (CAB-OETTINGER)
Sent: 13 February 2015 12:46
To: CAB OETTINGER ARCHIVES
Subject: FW: Meeting request: Konstanz (CH), 26 or 27 March 2015 - [REDACTED]
SWISSCOM and [REDACTED] FASTWEB

Follow Up Flag: Follow up
Flag Status: Completed

Please r&a.

Eric

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@consulenti.fastweb.it]

Sent: Friday, February 13, 2015 10:25 AM

To: MAMER Eric (CAB-OETTINGER)

Cc: [REDACTED]@swisscom.com; [REDACTED]@swisscom.com; [REDACTED]; [REDACTED]

Subject: Meeting request: Konstanz (CH), 26 or 27 March 2015 - [REDACTED] SWISSCOM and [REDACTED]
[REDACTED] FASTWEB

Dear Eric,

As anticipated in our discussion over the phone on Wednesday, [REDACTED] Swisscom and [REDACTED]
[REDACTED] Fastweb would like to request a meeting with Commissioner Oettinger.

As you know, Fastweb is fully owned by the Swisscom group. Through Fastweb, Swisscom made and it is making important investments in Italy to develop the country's digital infrastructure. Both companies are committed to keep investing and promoting a sustainable competitive environment consistently with policies promoted by the European Union.

To this end, [REDACTED] and [REDACTED] could briefly touch upon the following topics during the meeting:

- * Presentation of Swisscom and Fastweb
- * Competition and investments
- * Net Neutrality and Competition - The Swiss experience
- * Technology neutrality and public funds
- * Update Digital Agenda targets according to different, better targeted and future proof performance indicators (quality/offer/demand).

We are surely flexible and open about the agenda of the meeting that we can adjust if needed.

As for the date, we believe that Mr Oettinger is invited to speak at a high Level event n Konstanz CH (Hochrangiges Forum zur Zukunft des Telekommunikationsmarktes) on 27th March. The two CEOs would propose to meet him in the previous evening (26 March) or in the following morning during a side meeting before or after Mr Oettinger's keynote.

We hope that this proposal fits well Mr Oettinger's tight agenda, otherwise we could propose other dates later in April.

Many thanks in advance for your consideration.

[REDACTED] (CAB-OETTINGER)

From: MAMER Eric (CAB-OETTINGER)
Sent: 13 February 2015 12:51
To: CAB OETTINGER ARCHIVES
Subject: FW: BOSCH: meeting on CO2/cars post-2020 & General Safety Regulation
possibly large-scale project on Automated Driving

Follow Up Flag: Follow up
Flag Status: Completed

Please r&a

From: [REDACTED] [mailto:[REDACTED]@de.bosch.com]
Sent: Friday, February 13, 2015 9:34 AM
To: MAMER Eric (CAB-OETTINGER)
Cc: LEHMANN Bodo (CAB-OETTINGER); [REDACTED]
Subject: BOSCH: meeting on CO2/cars post-2020 & General Safety Regulation - possibly large-scale project on Automated Driving

Cher Monsieur Mamer,

I am writing to you as the responsible for transport in the Cabinet of Commission Oettinger to kindly request a **meeting on CO2-cars post-2020** in the name of Robert Bosch GmbH.

Despite the fact that the post-2020 CO2 proposal is still many months away, I would very much appreciate the possibility to briefly explain why Bosch as

- the world's largest automotive supplier
- the company with most EU automotive patents and
- a strong believer in energy-efficiency

is cautious about over-ambitious CO2-post 2020 targets. Notably, Bosch is strongly **opposed to abandoning the principle of technology-neutrality**, as requested by some NGOs.

Moreover, I would be happy to also use this meeting to briefly discuss the upcoming **review of the EU General Safety Regulation**, which in our eyes could be a key stepping stone towards automated driving.

Last but not least, we would like to inform you that during the **visit of Commission Oettinger to Bosch in Stuttgart on 20 February**, Bosch [REDACTED] will raise the issue of a possible large-scale EU initiative to create world-leadership in the field of **connected and automated driving** (and in the field of micro-electronics). In case you deem useful to discuss this prior to the visit, we are of course available for a brief phone call. Alternatively, we are of course equally happy to discuss this with you as follow-up after the visit.

(Lieber Bodo: Zur Info zum letzten Absatz wegen Vorbereitung 20.2. – wir sprachen kurz drüber, und Angebot gilt natürlich genauso für Dich, wenn Du hierzu noch weitere Informationen suchst.)

Thank you in advance for your consideration, and I look forward to hearing from you

Mit freundlichen Grüßen / Best regards

[REDACTED]
[REDACTED]
Robert Bosch GmbH

[REDACTED]
Rue Belliard 60-62
1040 Brussels, Belgium
www.bosch.com

[REDACTED] (CAB-OETTINGER)

From: HAGER Michael (CAB-OETTINGER)
Sent: 17 February 2015 13:35
To: CAB OETTINGER ARCHIVES
Subject: FW: Terminanfrage mit Herrn Kommissar Oettinger auf MWC in Barcelona

Follow Up Flag: Follow up
Flag Status: Completed

Attr MS

From: [REDACTED] i [mailto:[REDACTED]@tele2.com]
Sent: Tuesday, February 17, 2015 12:10 PM
To: SCHULTE Markus (CAB-OETTINGER)
Cc: [REDACTED] (CAB-OETTINGER); HAGER Michael (CAB-OETTINGER); [REDACTED]
Subject: Terminanfrage mit Herrn Kommissar Oettinger auf MWC in Barcelona

Sehr geehrter Herr Schulte,

gerne möchte ich für [REDACTED] Tele2 Gruppe, [REDACTED] einen Gesprächstermin mit Herrn Kommissar Oettinger auf der kommenden Mobile Word Conference anfragen.

Tele2 ist einer der führenden alternativen Telekommunikationsanbieter in Europa mit Aktivitäten in 8 europäischen Staaten. Wir betreiben Mobilfunknetze der 4. Generation unter anderem in Schweden, den Niederlanden und den baltischen Staaten.

[REDACTED] würde sich sehr freuen, mit Herrn Kommissar Oettinger zukünftige Herausforderungen für Telekommunikationsanbieter diskutieren zu können, insbesondere Fragen zu Roaming, Netzneutralität und zur Förderung des Breitbandausbaus im Mobilfunk.

[REDACTED] wird von Montag, 2. März bis einschließlich Mittwoch, 4. März auf der MWC sein und sich in diesem Zeitfenster sehr gerne mit Herrn Kommissar Oettinger treffen. Dienstag, 3. März zwischen 9:00 h und 12:00 h würde [REDACTED] am besten einrichten können, aber auch andere Termine sind [REDACTED] selbstverständlich möglich.

Über ein Terminangebot für ein Treffen würden wir uns sehr freuen.

Tele2 ist bei der Europäischen Kommission unter der Kennung: 87921819473-65 im Transparency Register registriert.

Freundliche Grüße
[REDACTED]

Dear Mr. Schulte

I would like to request a face to face meeting between [REDACTED] the Tele2 Group and Commissioner Oettinger at the upcoming Mobile World Conference in Barcelona.

Tele2 is the leading alternative telecommunication operator with operations in 8 European countries. Tele2 operates 4 G mobile networks in Sweden, the Netherlands and the Baltic states.

[REDACTED] would be delighted to discuss with Commissioner Oettinger upcoming challenges for the mobile industry, such as roaming, net neutrality and the mobile broadband built-out.

[REDACTED] will be on the WMC from Monday, March 3rd until Wednesday, March 4th and would appreciate to meeting Commissioner Oettinger during that time frame. Best available will [REDACTED] be during Tuesday, March 2nd between 9 and 12 a.m., however any other suggested time will fit as well.

We are really looking forward to receiving a meeting invitation from you.

Tele2 is registered at the European Transparency Register with the number 87921819473-65.

Kind regards

[REDACTED]

[REDACTED]
[REDACTED]

Communication Services Tele2 GmbH
In der Steele 39
40599 Düsseldorf

phone +49 (0)211-[REDACTED]
fax +49 (0)211-[REDACTED]
mobile +49 (0)172-[REDACTED]
email [REDACTED]@tele2.com
<http://www.tele2.de/>

Amtsgericht Düsseldorf - HRB 36232
Geschäftsführer - Oliver Rockstein, Niklas Sonklin

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[REDACTED] (CAB-OETTINGER)

From: MAMER Eric (CAB-OETTINGER)
Sent: 25 February 2015 16:47
To: CAB OETTINGER ARCHIVES
Subject: FW: Meeting request

Follow Up Flag: Follow up
Flag Status: Completed

Please r&a to me and close immediately (no need to print the fiche), I have suggested a meeting on 5 March.

Thanks

eric

From: [REDACTED] [mailto:[REDACTED]@apple.com]
Sent: Wednesday, February 25, 2015 3:54 PM
To: MAMER Eric (CAB-OETTINGER)
Cc: HAGER Michael (CAB-OETTINGER); [REDACTED] (CAB-OETTINGER); [REDACTED]
Subject: Meeting request

Dear Mr Mamer,

As discussed over the phone this morning, me and my team would very much welcome the opportunity to meet with you and your colleagues in the Cabinet to convey our views and ideas on the Digital Single Market initiative, including issues such as privacy, innovation and standards, and net neutrality.

I also wanted to take this opportunity to correct one point mentioned in a speech by Commissioner Oettinger at the Digital4EU Conference yesterday; the statement (as interpreted into English): "*If you use an iPhone, they know all about your creditworthiness, your shopping habits..*".

At Apple, our customers' trust means everything to us. Security and privacy are fundamental to the design of all our hardware, software, and services, including iCloud and new services like Apple Pay. We have designed ApplePay to ensure full protection of personal information. Apple Pay does not collect any transaction information that can be tied back to the user. Apple does not store the cards numbers nor monitor transactions and we do not have any access to customers' transaction history. Payment transactions are between the user, the merchant and the bank. For further information on our privacy policy, see <https://www.apple.com/privacy/> and <http://support.apple.com/en-us/HT203027>.

We're happy to provide further details on this in a meeting, and I look forward to your reply.

Best regards,

[REDACTED]

[REDACTED] Apple • +32 498 94 17 01 • per@apple.com

(CAB-OETTINGER)

From: SCHULTE Markus (CAB-OETTINGER)
Sent: 27 February 2015 14:10
To: CAB OETTINGER ARCHIVES
Subject: FW: CDT - FCC Vote for Open Internet Rules a Win for Internet Users

Follow Up Flag: Follow up
Flag Status: Completed

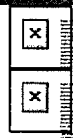
From: [REDACTED] [mailto:[REDACTED]@cdt.org]
Sent: Friday, February 27, 2015 2:09 PM
To: SCHULTE Markus (CAB-OETTINGER)
Subject: CDT - FCC Vote for Open Internet Rules a Win for Internet Users

Dear Mr Schulte,

Please find below CDT's statement in response to the US FCC's vote on Open Internet. We believe the FCC's decision is an important step in the ongoing efforts to ensure maintain the Internet as an open platform for innovation, communication and expression. CDT has been working with the EU institutions to move forward net neutrality rules in Europe, and we will continue to do so as Commission, Council and Parliament prepare for negotiations on the proposed TSM Regulation. Hopefully, European policy makers will be able to agree on robust and meaningful protections for the open Internet in Europe.

Best regards,
[REDACTED]

PRESS RELEASE



Contact: [REDACTED]

FCC Vote for Open Internet Rules a Win for Internet Users

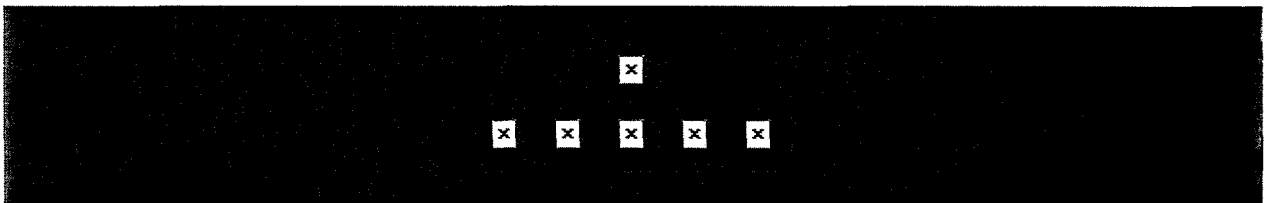
Today, by a 3-2 vote, the Federal Communications Commission (FCC) approved open Internet rules, placing enforceable net neutrality protections on a strong legal foundation. These rules fill the serious void created when the DC Circuit struck down the FCC's previous rules against blocking and unreasonable discrimination by Internet service providers in 2014. The Center for Democracy & Technology has long advocated for strong open Internet rules, and today's vote is a major victory for all Internet users. CDT issued the following statement in response to the vote and will have more

in-depth analysis of the Commission's order over the next week:

"Every Internet user should be celebrating today. By placing open Internet protections on clear authority, the FCC has preserved and advanced the basic end-to-end nondiscrimination principle that has been essential to the Internet's evolution, as well as its power as an engine of economic growth and democratic discourse. The Internet both relies on and perpetuates permissionless innovation. These rules will ensure that innovation continues unimpeded by potential gatekeepers," said [REDACTED].

"Internet users submitted more than four million comments to the Commission in this proceeding. The open Internet makes that unprecedented level of public engagement possible, and it is only fitting that public engagement helped move the FCC to fully embrace Title II," [REDACTED] added.

"The efforts to protect the open Internet do not end today, but the significance of this milestone cannot be overstated. The FCC has placed open Internet rules on the strongest legal foundation possible and that is exactly what they should have done," [REDACTED] concluded.



[REDACTED] CAB-OETTINGER

From: [REDACTED] (CAB-OETTINGER)
Sent: 21 January 2015 14:31
To: CAB OETTINGER ARCHIVES
Subject: FW: Meeting request with the Center for Democracy & Technology
Attachments: CDTEuropeIntro.pdf

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED] [mailto:[REDACTED]@cdt.org]
Sent: Wednesday, January 21, 2015 2:21 PM
To: LEHMANN Bodo (CAB-OETTINGER); [REDACTED] (CAB-OETTINGER)
Cc: [REDACTED]
Subject: Meeting request with the Center for Democracy & Technology

Dear Mr Lehmann,

I am writing to you to inquire about the possibility of setting up a meeting with Center for Democracy & Technology's (CDT) [REDACTED] to discuss some of the important issues and proposals that are currently on the European Union policy agenda. In particular, the proposed Data Protection Regulation and the upcoming review of the Data Retention Directive. We are also interested in other important digital policy issues under discussion, such as the proposed Connected Continent regulation and its net neutrality provisions, copyright, cyber security and Internet governance.

We have also contacted your colleagues Mr Markus Schulte, Ms Anna Herold and [REDACTED] to discuss similar relevant issues according to their respective portfolios. We would be happy to meet you and your colleagues at the same time if you think it is the most convenient thing to do.

CDT is a non-profit public policy organisation, focused on technology policy as it pertains to civil liberties and human rights. We believe in the power of the Internet. Whether it is facilitating entrepreneurial endeavours, enabling access to education, healthcare and social development, or creating a platform for free expression and political debate, the Internet empowers, emboldens, and equalises people around the world. Our mission is to promote policies that keep the Internet open, innovative and free.

CDT is headquartered in Washington, DC, and is active in shaping policy debates both in Europe and globally. The attached short brochure provides an overview of the policy areas we cover. Please visit www.cdt.org for comprehensive information about CDT and its activities.

We hope it will be possible to organise a meeting in the coming weeks, and thank you in advance for considering our request. I will take the liberty of contacting your office in due course to follow up, but in the meantime, please do not hesitate to contact us with any questions or comments.

Best regards,
[REDACTED]

--

[REDACTED] d (CAB-OETTINGER)

From: [REDACTED] (CAB-OETTINGER) on behalf of HAGER Michael (CAB-OETTINGER)
Sent: 20 January 2015 12:48
To: CAB OETTINGER ARCHIVES
Subject: FW: Invitation for Commissioner Oettinger - UK Broadband Stakeholder Group Advisory Council Dinner - London, Spring 2015
Attachments: 14-12-08 Invite to Commissioner Oettinger BSG Advisory Council Dinner v1.pdf
Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED] [mailto:[REDACTED]@broadbanduk.org]
Sent: Tuesday, January 20, 2015 12:26 PM
To: HAGER Michael (CAB-OETTINGER)
Subject: Invitation for Commissioner Oettinger - UK Broadband Stakeholder Group Advisory Council Dinner - London, Spring 2015

Dear Mr Hager,

I am contacting you on behalf of the Broadband Stakeholder Group (BSG) which is the UK Government's advisory forum on broadband. Its members include Internet service providers such as BT, Virgin and BSkyB, vendors such as Ericsson and Cisco, as well as mobile operators such as EE and Vodaphone and content providers such as the BBC.

The BSG will hold its next Advisory Council meeting in London and is inviting Commissioner Oettinger to attend the Council dinner as guest of honour. The date of the meeting is not yet set as we are hoping that we could find a date suitable for Mr Oettinger in spring.

The BSG's Executive companies are particularly interested in the Commissioner's plans to further develop a connected Digital Single Market, his attendance to the meeting would therefore be greatly appreciated. The dinner may also allow Commissioner Oettinger to discover the success of the UK's self-regulatory Code of Practice on the Open Internet (net neutrality).

Please find enclosed a letter from BSG [REDACTED] for further details about the meeting.

I look forward to hearing from you regarding Commissioner Oettinger's availability.

Best regards

[REDACTED] (BSG)
www.broadbanduk.org
c/o techUK
10 St. Bride Street, London EC4A 4AD
T: + 44 (0) 20 733 [REDACTED]
E: [REDACTED]@broadbanduk.org
Twitter: @bsg_team

This email message has been scanned for Viruses and Content and has been cleared by **MailMarshal**



Commissioner Günther Oettinger
European Commission
Rue de la Loi/Westraat 200
1049 Brussels
Belgium

Broadband Stakeholder Group
10 St Bride St
London
EC4A 4AD

10 December

Dear Commissioner Oettinger

Invite to Broadband Stakeholder Group Advisory Council Dinner, Spring 2015

I write to invite you to the next meeting of the Broadband Stakeholder Group's Advisory Council Dinner as our guest of honour.

The Broadband Stakeholder Group (BSG) is the UK Government's advisory forum on broadband and aims to provide a neutral forum for organisations across the converging broadband value-chain to address key policy, regulatory and commercial issues. We act as a 'critical friend' of Government and regulator, and seek to influence debate via evidence based reports – we are not a trade association. Some of our best known contributions to the broadband debate involve costing the deployment of fibre networks and the modelling of future household demand.

The role of the Council brings together chief executives and equivalent level representatives from BSG Executive companies – ranging from ISPs such as BT, Virgin and BSkyB, to vendors such as Ericsson and Cisco, mobile operators such as EE and Vodafone to content providers such as the BBC. Its role is to provide a useful exchange of views between special guests and a cross-section of the broadband value chain. The guest of honour for our previous dinner was Rt Hon Sajid Javid MP, Secretary of State for Culture, Media and Sport.

It would be particularly interesting and useful for us to hear about your plans for the Digital Single Market and what your focus will be during your tenure as Commissioner. The dinner, which is private and informal, may also allow you to discover the success of the UK's self-regulatory Code of Practice on the Open Internet – or what is generally referred to as net neutrality.

The dinners are held in central London and whilst I fully appreciate the diary commitments I do hope that we can find a suitable time for early next year. Perhaps your office could liaise with [REDACTED] (details below) who heads up the secretariat team to identify a suitable date?

I look forward to welcoming you to the dinner as our special guest.

Yours sincerely,

[REDACTED]

[REDACTED]
[REDACTED]

Broadband Stakeholder Group

Contact details for [REDACTED]:

[REDACTED]@broadbanduk.org

+44 7792 [REDACTED]

[REDACTED] (CAB-OETTINGER)

From: SCHULTE Markus (CAB-OETTINGER)
Sent: 26 March 2015 16:37
To: [REDACTED]
Cc: [REDACTED] (HR); [REDACTED] (CAB-OETTINGER); LEHMANN Bodo (CAB-OETTINGER); [REDACTED] (CAB-OETTINGER)
Subject: RE: Invitation for Commissioner Oettinger - UK Broadband Stakeholder Group Advisory Council Dinner - London, Spring 2015 (Ref: 2015-10-79-64)

Dear [REDACTED]

I regret to inform you that Commissioner Oettinger will not be able to come to London at the end of April. He will probably schedule a trip there some time after the Parliamentary elections.

Best regards,
Markus

Markus SCHULTE



European Commission
Member of Cabinet
Cabinet of Commissioner Günther H. Oettinger
Digital Economy and Society

BERL 9/[REDACTED]
B-1049 Brussels/Belgium
+32-2-298-[REDACTED]
markus.schulte@ec.europa.eu

From: [REDACTED] [mailto:[REDACTED]@broadbanduk.org]
Sent: Thursday, March 05, 2015 4:23 PM
To: SCHULTE Markus (CAB-OETTINGER)
Cc: [REDACTED]
Subject: Invitation for Commissioner Oettinger - UK Broadband Stakeholder Group Advisory Council Dinner - London, Spring 2015 (Ref: 2015-10-79-64)

Dear Markus,

I understand from [REDACTED] that you wish to have a better understanding of the Broadband Stakeholder Group (BSG) and the format of our Advisory Council Dinners.

The BSG was set up in 2001 as the UK Government's advisory body on broadband. We seek to influence debate through evidence based reports and are jointly funded by UK Government and industry sponsors – who span the breadth of the broadband value chain, from content providers to fixed and mobile

operators. We initially focused our work on driving broadband penetration and costing the deployment of superfast broadband network in the UK. Whilst we looked at a variety of technologies the best known report resulted in a cost model for fibre networks. During this period we also led the UK response to the Audio Visual Media Services Directive.

Since 2010 we have focused on the demand and usage of broadband networks. This has encompassed household, out-of-home and business usage, which we are continuing to focus on. Our best known report was the first attempt to model household demand on an application basis. We also oversee several self-regulatory Codes of Practice, including one on the Open Internet, which all the major ISPs and MNOs are signatories. This comprises a key part of the UK Government's and Ofcom's approach to net neutrality.

Our Advisory Council Dinners serve as an informal and private forum to discuss key policy and regulatory issues. It brings together around 15-20 CEO level representatives from our industry sponsors, with Government and Ofcom also attending. The format is usually a 10-15 minutes speech from our guest over dinner followed by general discussion overseen by our Chair, [REDACTED]. Our previous guest was Sajid Javid MP, Secretary of State for Culture, Media and Sport. It would be extremely interesting for us to hear from the Commissioner about his priorities – and I would hope that he would benefit from hearing from such a wide range of industry too.

Whilst we are of course happy to work around the Commissioner's diary we do require at least four weeks to secure a venue and ensure an appropriate level of seniority from attendees. If we are aiming for the end of April then we would greatly appreciate it if you could confirm by the 16 March.

If you do require any further information then please do not hesitate to contact me.

Best wishes,

[REDACTED]

[REDACTED]
Broadband Stakeholder Group (BSG)
www.broadbanduk.org
c/o techUK
10 St. Bride Street, London EC4A 4AD
T: + 44 (0) 20 7 [REDACTED]
M: +44 (0) 779 [REDACTED]
E: [REDACTED]@broadbanduk.org
Twitter: @bsg_team

From: [REDACTED]
Sent: 13 February 2015 16:21
To: Markus.SCHULTE@ec.europa.eu
Subject: RE: Invitation for Commissioner Oettinger - UK Broadband Stakeholder Group Advisory Council Dinner - London, Spring 2015 (Ref: 2015-10-79-64)

Dear Markus,

Please find attached our invitation. If you need further information, please don't hesitate to contact me.

I wish you a nice weekend,

Kind regards,

[REDACTED]
[REDACTED] Stakeholder Group (BSG)
www.broadbanduk.org
c/o techUK
10 St. Bride Street, London EC4A 4AD
T: + 44 (0) 20 7 [REDACTED]
E: [REDACTED]@broadbanduk.org
Twitter: @bsg_team

From: Markus.SCHULTE@ec.europa.eu [mailto:Markus.SCHULTE@ec.europa.eu]
Sent: 12 February 2015 18:00
To: [REDACTED]
Cc: [REDACTED]@ec.europa.eu; [REDACTED]@ec.europa.eu
Subject: RE: Invitation for Commissioner Oettinger - UK Broadband Stakeholder Group Advisory Council Dinner - London, Spring 2015 (Ref: 2015-10-79-64)

Dear [REDACTED]

Could you be so kind to send us a formal invitation even if the date is open providing some information on the event you have in mind.

That would be easiest for me,

Best,
Markus

Dr Markus SCHULTE



European Commission
Member of Cabinet
Cabinet of Commissioner Günther H. Oettinger
Digital Economy and Society

BERL 9/003
B-1049 Brussels/Belgium
+32-2-298 [REDACTED]
markus.schulte@ec.europa.eu

From: [REDACTED] e [mailto:[REDACTED]@broadbanduk.org]
Sent: Thursday, February 12, 2015 3:52 PM
To: SCHULTE Markus (CAB-OETTINGER)
Cc: [REDACTED] (CAB-OETTINGER); [REDACTED] (CAB-OETTINGER)
Subject: Invitation for Commissioner Oettinger - UK Broadband Stakeholder Group Advisory Council Dinner - London, Spring 2015 (Ref: 2015-10-79-64)

Dear Mr Schulte,




We are very pleased to hear that Commissioner Oettinger would potentially be available to attend the Broadband Stakeholder Group's next Advisory Council dinner in Spring in London as our guest of honour.

We also understand that he will have other commitments while in London at the end of April, however we are very happy to work around his diary commitments.

Please also note that the invitation is of course extended to you and other representatives travelling to London with Mr. Oettinger.

I was advised to liaise with your office on the week starting 23rd of February, but if you need any practical information regarding the Dinner before then, please don't hesitate to contact me.

With my best regards,


Policy Manager, Broadband Stakeholder Group (BSG)
www.broadbanduk.org
c/o techUK
10 St. Bride Street, London EC4A 4AD
T: + 44 (0) 20 7331 
E: @broadbanduk.org
Twitter: [@bsg_team](https://twitter.com/bsg_team)

[REDACTED] (CAB-OETTINGER)

From: [REDACTED] (CAB-OETTINGER) on behalf of OETTINGER Guenther (CAB-OETTINGER)
Sent: 27 November 2014 19:40
To: CAB OETTINGER ARCHIVES
Subject: FW: Cogent and Net Neutrality
Attachments: Ansip letter.pdf

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED] [mailto:[REDACTED]@cogentco.com]

Sent: Wednesday, November 19, 2014 5:58 PM

To: VESTAGER Margrethe (CAB-VESTAGER); ANSIP Andrus (CAB-ANSIP); OETTINGER Guenther (CAB-OETTINGER)

Subject: Cogent and Net Neutrality

Dear Vice President Ansip,
Dear Commissioners Vestager and Oettinger,

I am attaching an electronic version of a letter from Cogent [REDACTED]. The original copy will follow by regular mail.

I look forward to being in touch soon and hopefully to be able to set up a follow-up meeting with [REDACTED] in Brussels at your earliest convenience.

Yours sincerely,

[REDACTED]
Cogent Communications

The European Commission
200 Rue de la Loi
Brussels 1049

Washington DC, November 18, 2014.

Dear Vice-President Ansip,
Dear Commissioner Vestager,
Dear Commissioner Oettinger,

President Juncker has rightly identified the Internet as a major cornerstone of his Commission's policy. As the most connected network in the world, specializing in IP transit and one of the top Tier1 operators, Cogent with a major network, operations, and employees in the EU, views this policy statement as a refreshing and most welcome change.

Indeed, the previous Commission badly damaged Net Neutrality by allowing access providers to levy a charge in order to receive the traffic that was originally requested by their end users.

That single issue is at the heart of Internet's very existence. It has been strongly condemned by BEREC¹, the OECD² and the EU parliament³, but neither DGCNECT nor DGCOMP seemed to notice. Let me explain why this issue is essential.

Internet's power lies in its ability to separate the application from the network layers. Simply put, Internet's technology has taken away from telecom operators the ability to control which applications and services can be offered to their subscribers. Unsurprisingly, they are working hard to restore that control and preserve their dying monopolies.

For the Internet to work properly, bandwidth needs to be available on each network and at the interconnection points between them. IP packets need to travel smoothly and speedily to their destinations. There should be no undue latency (due to tromboning effects) or packet losses (due to congestions). Fortunately, bandwidth is plentiful, widely available and very cheap. The Internet has always been a collection of separate networks. It has functioned because the networks exchange traffic at interconnection points. Traditionally the networks have done so without payments to each other (unlike the telephone industry). Consequently, each network operator has looked to its customers for revenue and not to other network operators. This has allowed network operators to offer their customers access to the entire Internet without having to concern themselves with the destination or origin of their customer's traffic.

Incumbent operators are deliberately refusing to upgrade the interconnections with other networks or are demanding extortionate payments to do so. They are "gating" their network, deliberately creating a slow lane, riddled with congestions, high latency, packet losses and bad quality for the end user. It then allows them to pick the winners by offering a fast, priority lane for "specialized" services. These incumbent networks are extracting rent because of their unavoidable and natural monopolistic position. They are effectively taxing the societal value and benefits that the Internet creates for users and content creators.

Under this system, content providers can no longer independently and competitively select a specific internet provider. They are forced technically to either connect to multiple incumbents directly or to select the transit providers that incumbents have chosen themselves (i.e., those that are accepting to pay the entry tax). Bandwidth ceases to be a

¹ BEREC, November 2012: "BEREC's comments on the ETNO proposal for ITU.WCIT or similar initiatives along these lines."

² Weller, D. and B. Woodcock (2012), *Internet Traffic Exchange: Market Developments and Policy Challenges*, OECD Digital Economy Papers, No. 207, October 2012 (OECD Publishing. <http://dx.doi.org/10.1787/5k918qpt130q-en>). Page 33

³ <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P7-RC-2012-0498&language=en>. Point C.6. and 8.

Optical Internet

www.cogentco.com

commodity, priced along the ever declining marginal cost of production, but becomes a scarce resource whose price can be set arbitrarily by those that control the last mile to the end-users.

Those payments are raising barriers to entry and restricting competition for content creation. They reinforce the current "Internet Glants" market powers and allow incumbents to restore control over which applications and services are to be offered to their consumers. Ultimately, because those payments are borne by the consumer through higher charges for content services, the end user ends up paying more for a lesser choice of services.

In addition such charges distort the fundamental nature of the internet – that a connection to the Internet provides a user access to the entire world without payment of additional charges based on the location or nature of the service to which the user connects.

Cogent participated actively in DGCNECT's Net Neutrality initiative and had numerous meetings with the departments as well. Yet, Commissioner Kroes's allowed access providers to pursue their walled garden strategy and promote "specialized services" instead. Cogent also had numerous meetings with DGCOMP, probably instigating the dawn raids in the offices of DTAG, FT and Telefonica in July 2013. Yet, Commissioner Almunia, in his last days in office decided not to proceed with what was undoubtedly, based on the evidence we provided, an abuse of dominant market position and a clearly documented case of market eviction.

in the United States, on this very same issue, President Obama has just come out unambiguously in support of Net Neutrality⁴ though the U.S. has yet to adopt rules protecting Internet competition. Europe should lead in the implementation of pro-competitive regulations. We hope that your new responsibilities herald a new dawn for Europe's internet future and would certainly welcome a move by Commissioner Vestager to re-examine Mr Almunia's last decision.

I would welcome the opportunity for a face-to-face meeting at your earliest convenience to provide more details on this critical issue and remain,

Yours sincerely,



Cogent Communications

⁴ <http://www.whitehouse.gov/net-neutrality>, <http://www.whitehouse.gov/net-neutrality#section-read-the-presidents-statement>

[REDACTED] (CAB-OETTINGER)

From: [REDACTED] (CAB-OETTINGER) on behalf of HAGER Michael (CAB-OETTINGER)
Sent: 04 November 2014 16:44
To: CAB OETTINGER ARCHIVES
Subject: FW: Invitation to DIGITALEUROPE Policy Group meeting

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED]: [mailto:[REDACTED]@digitaleurope.org]
Sent: Tuesday, November 04, 2014 4:39 PM
To: HAGER Michael (CAB-OETTINGER)
Subject: Invitation to DIGITALEUROPE Policy Group meeting

Dear Mr Hager,

I am [REDACTED] from DIGITALEUROPE, the Brussels based trade association representing the global ICT and digital industry.
For more information, please see www.digitaleurope.org.

We would like to invite you to our next Digital Economy Policy Group meeting which will take place on 4 December from 10am to 5pm at our offices in Brussels.
Our members (including around 60 companies like SAP, Alcatel-Lucent, Siemens, Sony, Microsoft, HP, etc.) would be very interested to have your valuable contribution and views on the European Commission's future plans on digital economy issues. We are particularly following key issues such as data protection, cybersecurity, copyright, net neutrality, Internet governance, etc.

As for the timing, we would like to have you for around 1 hour in order to have an informal exchange after your presentation, whenever is best for you between 10am and 3pm.

We would be honoured if you could join us for lunch as well.

We hope that you will be able to be with us on 3 December, please do not hesitate to contact me for any questions you may have.

Best regards

[REDACTED]
Digital Economy Policy

DIGITALEUROPE >> Rue de la Science, 14 >> B-1040 Brussels
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<http://www.digitaleurope.org>

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[REDACTED] (CAB-OETTINGER)

From: [REDACTED] (CAB-OETTINGER)
Sent: 27 November 2014 13:45
To: [REDACTED]
Subject: RE: Digitaleurope policy group meeting 4/12/2014

Cher Monsieur,

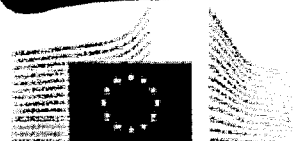
Je vous remercie pour votre e-mail confirmant la réunion avec M. Hager pour le 4 décembre 2014 10h30 – 11h30.

Nous tenons à vous informer que selon les nouvelles règles de transparence qui s'appliquent à partir du 1^{er} décembre 2014, nous rendront publiques les informations suivantes concernant cette réunion sur le site internet des membres de la Commission: la date et le lieu de la réunion, le nom du membre de la Commission et/ou du membre du cabinet concerné, le nom de l'organisation ou de la personne agissant en qualité d'indépendant ainsi que l'objet de la réunion.

Bien à vous,

[REDACTED]

[REDACTED]



European Commission
Cabinet of Commissioner Günther H. Oettinger

BERL 09/032
200, Rue de la Loi
B-1049 Brussels
+32 (0)2. 29 5 [REDACTED]
[REDACTED]@ec.europa.eu

From: [REDACTED] [mailto:[REDACTED]@digitaleurope.org]
Sent: Monday, November 17, 2014 4:32 PM
To: [REDACTED] (HR)
Cc: [REDACTED] (CAB-OETTINGER)
Subject: RE: Digitaleurope policy group meeting 4/12/2014

Chère Madame,

Je vous remercie pour votre message, nous sommes très heureux de pouvoir recevoir M. Hager le 4 décembre de 10h30 à 11h30. Nos bureaux sont situés au 14 rue de la science (au croisement de la rue Belliard et de la rue de la science).

Notre association est très active sur de nombreux sujets politiques liés à l'économie numérique, comme la protection des données, la cyber sécurité, le droit d'auteur, la gouvernance de l'Internet, la neutralité du

net, le cloud et big data, etc. Si M. Hager est d'accord avec ce procédé, nous serions heureux d'entendre son opinion et les projets futurs de la Commission sur ces sujets, pour ensuite avoir une discussion libre et informelle avec lui.

Je vous ferai savoir quelques jours avant la réunion quelles entreprises y participeront.

Je vous remercie,

[REDACTED]

From: [REDACTED]@ec.europa.eu [mailto:[REDACTED]@ec.europa.eu]
Sent: lundi 17 novembre 2014 16:21
To: [REDACTED]
Cc: [REDACTED]@ec.europa.eu
Subject: Digitaleurope policy group meeting 4/12/2014

Cher Monsieur,

Je vous contacte au nom de Michael Hager, Chef de cabinet de M Oettinger.

M. Hager m'a demandé de confirmer sa présence à votre événement le 4 décembre 2014. Il peut être disponible pour une heure à partir de 10:30.

Puis-je vous demander une confirmation de votre part aussi?

Veuillez noter qu'en tant que remplaçante de son assistante habituelle je serai votre interlocutrice jusqu'à ce jeudi 20 novembre. Mme [REDACTED], qui travaille pour lui normalement, sera de retour ce vendredi et assurera le suivi avec vous.

Dans l'attente de votre réponse je reste à votre entière disposition pour toute question complémentaire,

Cordialement,

[REDACTED]

Cabinet's Secretarial Pool

✉ *European Commission*

BERL 11/319

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B -1049 Brussels

☎ *+32-2-296[REDACTED]*

💻 *[REDACTED]@ec.europa.eu*

From: CAB JUNCKER ARCHIVES
Sent: 02 March 2015 15:48
To: [REDACTED] (CAB-JUNCKER)
Subject: FW: Net Neutrality (FCC/Obama)

Importance: High

From: [REDACTED] @ [mailto:editionmultimedia@sfr.fr]
Sent: Friday, February 27, 2015 12:06 PM
To: JUNCKER Jean-Claude (CAB-JUNCKER); ANSIP Andrus (CAB-ANSIP);
Gunther.Oettinger@ec.europa.eu
Subject: Net Neutrality (FCC/Obama)
Importance: High

Dear Mr Juncker, Mr Ansip and Mr Oettinger,

Please, could you tell me what the European Commission thinks about the FCC/Obama decision for a strict Net Neutrality (the three "no" from Barack Obama : no blocking, no throttling, no paid prioritization) ?

Is it an example to follow, and when, for the European Union ?

Thank you for your answer.

Best regards.

[REDACTED]
Journalist

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Dear [REDACTED]
Dear [REDACTED]
Dear [REDACTED]

I would like to ask some information on the concept of 'app neutrality', wherein apps are developed in a way for easy deployment on and any smartphone device or operating system.

I am currently doing research on smartphone apps and their distribution through 'app stores' of major suppliers, such as Apple or Android. I am particularly interested in the issue of user lock-in and the portability of personal data apps and devices. I would be grateful if you could give me some advice on whether the Commission is looking into this issue, potentially with a view to increase user choice or to increase market access to SMEs?

Potential solutions include the creation of a cross platform 'web-version' of applications, which could be run on a browser, independently of the individual operation system. For example for e-government solutions, which would necessarily have to be designed in a way that does not discriminate. Is the Commission exploring or encouraging such solutions?

For users, the creation of a standard for 'essential data', e.g. necessary in the context of e-government applications or e-health applications, could help to ensure that those essential data could easily be transferred across platforms. Would the Commission explore or encourage such solutions?

I am fully aware, that you may not be able to comment on anything that has yet to be decided, but I would be grateful to hear your point of view as a cabinet member of Vice-President Ansip and as expert on the digital single market, if such proposals connect in any way to what you or your colleagues are currently working on.

Looking forward to receiving your reply.

Kind regards,

[REDACTED]
Researcher
Hanover Brussels

Direct: +32 (0) 2 588 [REDACTED]