

# Editorial

## SAFEGUARDING AN OPEN INTERNET: THE FIGHT CONTINUES



**By Laure  
de La Raudière,**  
*Chairwoman of Arcep*

Why have I been so committed to Net neutrality, for so long and unwaveringly? It's a question I ask myself every time the debate is rekindled, as some players think they can eradicate it in places where it exists, and others seek to impose it, as demonstrated by the Federal Communications Commission's recent decision in the United States. The reason is simple: it is crucial to uphold Net neutrality for what it is, and what it can do.

Thanks to the principle of an open internet, enshrined in the European regulation adopted in 2015, we have the guarantee that all content<sup>1</sup> can circulate freely on electronic communications operators' networks, without discrimination. Fortunately, there is no such thing as VIP content! What it then enables is vital for

our democracies to function: first, it is the guarantee of the freedom to communicate, to exchange and share the content of one's choice and, second, it protects the freedom to innovate and develop new digital services without fear of possible restrictions on their route to end users.

Given how important it is to safeguard an open internet, Net neutrality alone is not enough. Back in 2018, Arcep was calling attention to the fact that, in addition to networks, other elements constituted bottlenecks to the free flow of information, content and applications: devices (smartphones, tablets, voice assistants) were identified as the "weak links" in achieving that openness. Then, in 2019 and 2020, we completed that analysis by shedding light on

the role and questionable behaviour of certain large online platforms, seeking to restrict users' freedom of choice and innovation. In both instances, Arcep acted as a catalyst in proposing to establish and entrench the principle of an open internet at the European level.

Adopted in 2022, Europe's Digital Markets Act<sup>2</sup> (DMA) tackles some of these issues: it imposes new rules on Big Tech, notably Apple, Google, Meta (Facebook) and Amazon, to create a more level playing field in digital markets. Their voluntary application of the Commission's regulation is a pledge to gradually open their ecosystems; Arcep is heavily involved in implementing this regulation via BEREC and the DMA High-level group. To give an example: Arcep helped verify the quality of Meta's reference offer for the interoperability of its WhatsApp instant messaging app, a bridge

that will enable other instant messaging apps to offer their users the ability to communicate with WhatsApp users.

Safeguarding the principles of an open internet is now facing a new challenge: generative AIs. By becoming new gateways between users and content, new information mediators, they could become the points of entry to our internet access. They could even replace traditional search engines. We therefore need to continue to work together, to challenge ourselves, to create new fora for dialogue, and devise ways to ensure that the internet remains an open space, a space of freedom, emancipation and innovation.

All of these issues are explored in this new edition of our annual report on the state of the internet in France. We hope you enjoy it.

1 Provided it is legal

2 Regulation 2022-1925 of 14 September 2022 on fair and contestable digital sector markets