OPEN LETTER TO EU POLICY-MAKERS

Policy recommendations for sustaining community networks

We represent European Community Networks, a growing movement of organizations that operate local communication infrastructures, sometimes federated at the regional or national levels. These networks, most of which also provide access to the global Internet, are operated as a commons. That is, rather than being driven by for-profit motives, our key focus is on providing connectivity while striving for democratic governance, social inclusion, education, and human rights with respect to communication technologies.

Our organizations vary considerably in terms of sizes, types of network infrastructures and political cultures. Yet, despite this diversity, we are united by the common objective to build networks that meet the communication needs of humans (rather than those of objects and machines), through networks that are built and run by our communities, for our communities, focused on local empowerment, affordability and resiliency.

Today, we collectively provide broadband connectivity not only to tens of thousands of individual European citizens and residents in rural or urban settings, but also to organizations including small and medium sized companies, schools, healthcare centers, social projects and many more. In many cases, we have out-competed mainstream operators, by providing cheaper and faster Internet connectivity than incumbent players. Thanks to our infrastructures and through our various activities, we foster scientific and engineering experiments, we help local hosting and service providers come together to mutualise investments and share costs, we support digital literacy and data sovereignty through workshops and other educational activities.

Yet, despite our achievements, policy-makers at the national and European levels have so far mostly neglected our existence and specific regulatory needs. Worse, regulation is often hampering our initiatives, making the work of our participants and volunteers harder than it should be. This is why, as you start working on a European code of electronic communications, we decided to contact you and voice our ideas and recommendations regarding the future of the legal and policy framework regulating our activities.

1. Lifting unnecessary regulatory and financial burdens

We first ask you to review the regulatory framework and get rid of unnecessary regulatory burdens, such as fees or red-tape that are unnecessary or illegitimate when imposed on small non-profit entities. In Belgium for instance, the registration fee that telecom operators must pay to the NRA is at 676€ for the first registration, plus 557€ every following year (for those whose revenues are below 1M€, which is the case for many community networks). Even such small fees can hinder the growth of small networks that efficiently serve tens of households. In France, Spain and Germany, it is free, which might explain why the community network movement is much more dynamic in these countries. The proposed code for electronic communications aims to harmonize procedures for declaration fees (first registration) as well as administrative charges (annual fees). EU lawmakers must ensure that the fees and charges imposed by national NRAs are null or negligible for non-profit

ISPs and reasonable and proportionate for micro and small businesses. Likewise, taxes designed for large corporate firms in the telecom sectors should not apply to smaller, non-profit operators.

2. Getting rid of third-party liability when sharing Internet access

Several laws seek to prevent the sharing of Internet connections amongst several users by making people responsible (and potentially liable) for all communication made through their Wi-Fi connection, and create legal risks for people sharing their connection. In Germany, rights-holders have used a "secondary liability" doctrine to chill the growth of the community networks movement. In France too, copyright law imposes a secondary liability regime that creates significant legal uncertainty for people sharing their network connections with other users. The so-called "mere conduit", inscribed in EU law since 2000 in the directive on information society services, needs to be guaranteed and expanded to small-area wireless access points. In the same spirit, contract clauses that forbid subscribers to share their connections with others should be prohibited. Promoting a right to share Internet connections is all the more vital considering the economic and ecological crises, as well as the rapid increase of populations that cannot afford access to the Internet. In this context, connection sharing can play a critical role in fostering a more equitable and sustainable use of telecommunications infrastructure.

3. Expanding the spectrum commons

It is not just Internet wireless access points that can be shared, but also the intangible infrastructure on which radio signals travel. Wi-Fi, as an unlicensed portion of the spectrum and therefore a commons, is a key asset for community networks willing to set up affordable and flexible last-mile infrastructure. However, these Wi-Fi frequency bands are currently very limited. Not only are they getting increasingly subject to congestion in densely populated areas, they are also exposed to new technical standards that use the so-called ISM frequency band (like LTE-U) that hamper the reliability of Wi-Fi communications. Last but not least, existing frequency bands for Wi-Fi (5,6 Ghz and 2,4 Ghz) have physical constraints that prevent them for being used for longer radio links. In the face of such challenges, a new approach to spectrum policy is needed. Policy-makers should expand unlicensed Wi-Fi bands. Other types of frequencies should also be made available either on an unlicensed (preferred scenario) or, if not possible, based on affordable and flexible authorization schemes. Such frequency bands for instance include so-called white spaces in lower frequencies (which allow for cheap and resilient long-distance links), as well as the 12Ghz and the 60Ghz bands (for which radio equipment is affordable and which can help us build high-bandwidth point-to-point radio links). Once made accessible to community networks, they can help roll-out and expand cheap and resilient wireless infrastructures.

4. Updating open-access rules in telecom infrastructures

Networks built with taxpayers money should also be treated as a commons and, as such, remain free from corporate capture. Today, their management and exploitation is often delegated by public authorities to corporate network operators. These entities usually adopt aggressive pricing schemes designed for incumbent players that make it extremely costly for small access providers to interconnect with these networks. Access to these publicly-funded networks for non-profit entities like community networks as well as small businesses should be guaranteed, at a reasonable and proportionate cost. Similarly, community networks often cannot have access to the private local infrastructures of incumbent players, despite the fact that these are the only way to connect willing subscribers. Indeed, in many European markets, the deployment of optical fiber networks is (re)creating monopolistic conditions on local loops through pricing schemes which preclude small actors from accessing these private networks. Policy-makers and regulators should ensure that every area is covered by at least one telecom operator with a so-called "bitstream" offer affordable for

smaller players.

5. Protecting free software and user freedom in radio equipment

In 2014, the European Union adopted Directive 2014/53 on radio equipment. Although the Directive pursues sound policy goals, it might actually impair the development of community networks. Indeed, community networks usually need to replace the software included by the manufacturer in radio hardware with free and open source software especially designed to suit their needs, a collective process that improves security and encourages the recycling of hardware, among other benefits. Article 3.3(i) of the said Directive creates legal pressure for manufacturers of radio devices to ensure the compliance of the software loaded on these devices with the European regulatory framework. As a result, there is a strong incentive for manufacturers to lock down their devices and prevent third-party modifications of the hardware. We therefore ask policy-makers to provide a general exception for all free software installed on radio devices by end-users and operators (the latter being liable if their software lead to violations of the regulatory framework), so that users' rights are safeguarded.

6. Abrogating blanket data retention obligations

Community networks strive to safeguard human rights in communication networks, and in particular the right to privacy and the confidentiality of communication. While we welcome recent rulings by the Court of Justice of the European Union holding that indiscriminate retention of metadata violates the Charter of Fundamental Rights, we are concerned about several member states' willingness to circumvent these rulings to protect capabilities for indiscriminate surveillance. As EU lawmakers start discussing the overhaul of the ePrivacy Directive, we call on them to oppose any blanket data retention obligations and close existing loopholes in EU law to ensure that only targeted and limited retention obligations can be imposed on hosting and access providers.

7. Bringing direct and targeted public support

Countless other policy initiatives can help support community networks and the significant associated benefits they bring. Such policies include small grants, crowd-funding and subsidies to help our groups buy servers and radio equipment, communicate around their initiative, giving them access to public infrastructures (for instance, the roof of a public building to install an antenna), but also to support their research on radio transmission, routing methods, software or encryption. As many local authorities have found, supporting community networks is a sound policy option. As EU lawmakers move forward on the WiFi4EU initiative, we would like to remind you that we have pioneered various models for the provision of free public access points. We believe that public money invested in this initiative should primarily go to groups pursuing a bottom-up logic, seeding local groups that can foster the empowerment and cohesion of local communities, nurture competition, and meet the same policy-objectives at a fraction of the cost that would be charged by mainstream telecom operators.

8. Opening the policy-making process to Community Networks

Although we have often partnered with municipalities and local public authorities, we ask that national and European regulators pay more attention to our activities when drafting regulation. Community networks have both the expertise and legitimacy to take an integral part in technical and legal debates over broadband policy in which traditional, commercial ISPs are over-represented. Community networks can bring an informed view to these debates, allowing for a policy-making process more attuned to the public interest.

We thank you for your attention and very much look forward to engaging with you on these important issues,

First signatories (EU-based community networks)

- 020wireless (Netherlands)
- AIL-Network (France)
- Alsace Réseau Neutre (France)
- Aquilenet (France)
- Association Ribaguifi - Eresué 2.0 (Spain)
- Asoc. SevillaGuifi (Spain)
- Common Net (Italy)
- FAImaison (France)
- FDN (France)
- FFDN (France)
- Franciliens.net (France)
- Freifunk.net (Germany)
- Fundació guifi.net (Spain)
- Funkfeuer (Austria)
- Grenode (France)
- Grifon (France)
- Ilico (France)
- Illyse (France)
- Iloth (France)
- Neutrinet (Belgium)
- Ninux.org (Italy)
- Open Network in Croatia (Croatia)
- Progetto Neco (Italy)
- Progetto Wireco Ciminna (Italy)
- Rézine (France)
- Sarantaporo.gr NPO (Greece)
- SCANI (France)
- Tetaneutral.net (France)
- Tourraine Data Network (France)
- Wireless België (Belgium)
- Wireless Leiden (Netherlands)
- WirelessPT.net (Portugal)
- Wlan slovenija (Slovenia)

Supporting organizations (signing in support of the general approach and/or specific proposals put forward in the letter)

- ApTI (Romania)
- ARTICLE 19 (UK)
- Bits of Freedom (Netherlands)
- BlueLink.net - Civic Action Network (Bulgaria)
- Brazilian Association of Digital Radio (Brazil)
- Chaos Computer Club (Germany)
- Chaos Computer Club Lëtzebuerg (Luxembourg)
- Colnodo (Colombia)
- Common Ground (Germany)
- Commons Network (EU)
- EDRi (EU)

- EFF (US)
- epicenter.works (Austria)
- Free Knowledge Institute (Netherlands)
- Free Software Foundation Europe (EU)
- Frënn vun der Ënn (Luxembourg)
- GreenNet (UK)
- hackAIR (EU)
- Initiative für Netzfreiheit (Austria)
- Instituto Bem Estar Brasi (Brazil)
- Instituto Nupef (Brazil)
- La Quadrature du Net (France)
- netCommons (EU)
- netHood (Switzerland)
- Network Bogotá (Colombia)
- NEXTLEAP (EU)
- NURPA (Belgium)
- Nuvem (Brazil)
- One World Platform (Bosnia Herzegovina)
- Open Rights Group (UK)
- Open Technologies Alliance- GFOSS (Greece)
- P2P Foundation (Netherlands)
- P2P Lab (Greece)
- PIE News Project (EU)
- Project Arig (Israel)
- Rhizomatica (Mexico)
- Renewable Freedom Foundation (Germany)
- VECAM (France)
- Xnet (Spain)
- Zenzeleni Networks (South Africa)

From:
https://wiki.c3l.lu/ - **Chaos Computer Club Lëtzebuerg**

Permanent link:
https://wiki.c3l.lu/doku.php?id=news:2017:0316_policy_recommendations_for_sustaining_community_networks

Last update: **2017/03/16 23:05**