

The undersigned represent galleries, libraries, archives, museums, and other institutions or organizations that facilitate and promote the sharing of knowledge and culture. We play fundamental roles in serving communities across Europe, providing resources and services for enjoyment, education, research, and the advancement of knowledge, and stimulating creativity and innovation in the service of an open, democratic and trusted digital environment. As digital technologies have transformed access to information, we have worked to transform our services to expand access to resources online. Safeguarding open Internet access is essential to our work.

We write in this proceeding to share our strong concerns with proposals that might lead to the imposition of new tolls on content providers for sending and 'generating' traffic. Our main concern is the impact these considerations would have on a healthy, open Internet.

We are also specifically concerned about a future scenario in which such fees could create an unsustainable cost for knowledge and cultural institutions, thus having a negative impact on public services. In turn, such institutions would have to limit access to their resources, cutting people off from access to information, undermining the EU's own stated goals, as well as the impact of public spending in this area.

Today, all parties - both providers of content and applications such as our institutions and consumers - already pay for their connections to the Internet. Yet the European Telecommunications Network Operators' Association's proposal, which triggered this exploratory consultation, would create a new legal right for telecom companies to require bonus payments; content and application providers would not just pay for their connection, but then have to pay again in order to reach that consumer when the consumer requests data from them.

[Many constituencies](#) have expressed concern about this idea, noting that it rests on faulty premises and would have a harmful impact on Internet users, access to information, and innovation. Internet traffic is not growing in ways that fundamentally change the economics of the Internet, as the Body of European Regulators (BEREC) recently [found](#). In fact, considering both the substantial investments that content and application providers already make to transport data as close to local service providers as possible, as well as falling unit costs for network operators, [studies](#) have found that overall costs for network operators are growing at modest rates. Creating a new tax on access will replace today's well-functioning system of payments with a regulated morass, where consumers will ultimately pay the price; content and application providers (in particular smaller players) will either be impeded from delivering their traffic at all due to costs, or will pass the costs on to consumers themselves. This large-scale redistribution of wealth from all parts of society in order to create rents for the telecom industry is particularly misguided in the current cost of living crisis.

For the institutions and communities we support, these new tolls pose particular concerns. Knowledge and cultural institutions act as repositories for large amounts of data – we are responsible for collecting, storing, and making available all sorts of media and information to Europeans, often under public mandates. While an individual user may not make use of the

entire catalog of information, collectively serving our communities can mean serving large amounts of data. Moreover, knowledge and cultural institutions serve academics and researchers who do require access to large amounts of the corpus for their public-interest activities.

We fear that, under this proposal, such institutions could be considered “large traffic generators” and forced to pay new fees. As public serving institutions, they already face significant budget strains, and new fees would inevitably mean limiting the services we provide, and using our resources to bolster the turnover of telecom operators rather than to deliver on our missions.

Yet it is important to note here that a simple carve-out for such institutions would not be sufficient. For one thing, the fees would still frustrate knowledge and cultural production and dissemination in ways that would run counter to the goal of encouraging artistic and expressive freedom, as well as having knock-on effects on us. What’s more, knowledge and cultural institutions may rely on commercial services to host and serve our traffic, and thus to the extent those providers would face new fees and pass those costs on, we would still be impacted.

We stand ready to work with the Commission and other stakeholders on alternative ways to ensure fast, affordable, open access to the Internet is available to all. For instance, the Commission should consider expanding access to spectrum for wireless services and community networks, and modernization of universal service funding. It should also consider how to work with knowledge and other community institutions, which in some cases already work to provide Internet access to surrounding residents.

Signed,
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