Resolution on the open internet and net neutrality in Europe

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The European Parliament adopted a resolution tabled by the Committee on Industry, Research and Energy on the open internet and net neutrality in Europe in response to the Commission Communication on the subject.

Noting that the conclusions of the Commission's communication indicate there is, at this stage, no clear need for additional European-level regulatory intervention on net neutrality, Parliament points to the potential for anti-competitive and discriminatory behaviour in traffic management, in particular by vertically integrated companies and welcomes the Commission's intention to publish the evidence emerging from the Body of European Regulators for Electronic Communications' (BEREC) investigations into practices potentially affecting net neutrality in Member States. It asks the Commission to ensure the consistent application and enforcement of the existing EU 'Telecoms' regulatory framework for communications and to assess, within six months of publication of the findings of BEREC's investigation, whether further regulatory measures are needed in order to ensure freedom of expression, freedom of access to information, freedom of choice for consumers, and media pluralism, to achieve effective competition and innovation, and to facilitate wide-ranging benefits in terms of citizens', businesses' and public administration uses of the internet.

Members call on the Commission, together with BEREC in cooperation with Member States, **closely to monitor the development of traffic-management practices and interconnection agreements,** in particular in relation to blocking and throttling of, or excessive pricing for, VoIP and file sharing, as well as anticompetitive behaviour and excessive degradation of quality. They call further on the Commission to ensure that internet service providers do not block, discriminate against, impair or degrade the ability of any person to use a service to access, use, and post, receive or offer any content, application or service of their choice, irrespective of source or target.

Parliament asks the Commission to provide Parliament with information on current traffic-management practices, the interconnection market and network congestion, as well as any relationship to lack of investment.

On the issue of **net neutrality**, Parliament draws attention to the serious risks of departing from network neutrality – such as anticompetitive behaviour, the blocking of innovation, restrictions on freedom of expression and media pluralism – which will be detrimental to democratic society as a whole. Effective competition in electronic communication services, transparency in relation to traffic management and to quality of service and ease of switching, are the minimum necessary conditions for net neutrality, assuring end users that they can enjoy freedom of choice. Parliament wants consistency in the approach to net neutrality and **effective implementation of the EU 'Telecoms' regulatory framework**. It emphasises that any solution proposed on the issue of net neutrality can be effective only through a **consistent European approach**, and it asks the Commission to follow closely the adoption of any national regulations related to net neutrality, in terms of their effects on the respective national markets as well as the internal market. Members feel it would benefit all stakeholders if the Commission were to provide **EU-wide guidelines,** including with regard to the mobile market, to ensure that the provisions of the 'Telecoms' package on net neutrality are properly and consistently applied and enforced. Any measure in the area of net neutrality should, alongside existing competition law, aim to tackle anti-competitive practices that may emerge, and should lead to investment and facilitate innovative business models for the online economy.

Whilst recognising that **reasonable traffic management** is required to ensure that the end user's connectivity is not disrupted by network congestion, Parliament urges the competent national authorities to use their full powers under the Universal Services Directive to impose minimum quality-of-service standards, and believes that ensuring quality in time-critical service traffic shall not be an argument for abandoning the ‘best effort’ principle

Consumer protection: Members feel that Europe will only be capable of fully exploiting the potential of a digital economy through stimulation of a properly functioning internal digital market. They call for transparency in traffic management, including better information for end users, and stress the need to enable consumers to make informed choices and to have the effective option of **switching to a new provider** that can best meet their needs and preferences. Members points to the importance of providing consumers with clear and **comparable information** on all relevant commercial practices with equivalent effect, and in particular on mobile internet, and they want the Commission to publish further guidance about the right to switch operators.

Noting consumers' emerging concerns in relation to the discrepancy between advertised and actual delivery speeds from internet connections, Parliament calls on Member States, in this regard, consistently to enforce the ban on misleading advertising. It also calls for the development of educational programmes that aim to increase consumers' ICT skills and reduce digital exclusion, and asks the Commission to invite consumer and civil society representatives to participate equally with industry representatives in the discussions on the future of the internet in the EU.