



NETWORK NEUTRALITY

*Presented at the YEPP Council Meeting, Kyiv, Ukraine
On the 5th of December 2015*

Recognising:

- After a lengthy debate at the end of October, the European Parliament adopted the Telecoms Single Market (TSM) Regulation including network neutrality and roaming abolition (the latter will be phased out in two steps);
- The regulation lays out that all electronic communication passing through the internet must be treated equally (even if online congestion occurs) in a way that safeguards the rights of the end user;
- Non-discrimination has still yet to be achieved: internet service providers (ISPs) can implement reasonable traffic management measures in certain cases as it is stated in the regulation (ie: telemedicine services, high level video conferences);
- National authorities and parliaments cannot make more stringent legislation than has already been produced by the European Parliament;
- We welcome initiatives from European states to increase access to the internet, such as the Hungarian initiative (resulting from a 12- month public consultation and widespread negotiation with stakeholders) on lowering VAT and providing more easily available internet packages.
- A study ordered in 2012 by BEREC¹ found that at least 20 percent of mobile internet users experienced some kind of restriction on their ability to access internet services – despite the fact that ISPs offered surfing without any restraint.

Acknowledging:

- As it was pointed out by BEREC², limiting the data volume or throughput rate, independent of data type, does not constitute departure from the principle of network neutrality;
- Some concerns still remain after the TSM-regulation: how to implement rules on reasonable traffic management; anticompetitive behaviour by dominant network operators can occur.

¹ BEREC (Body of European Regulators of Electronic Communications) is an agency of the EU.

² https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/Traffic%20Management%20Investigation%20BEREC_2.pdf

YEPP calls on:

- The European Parliament to revise the TSM-regulation to make free internet access a reality for all end users without any kind of discrimination, irrespectively of the content, the sender and receiver;
- Internet Service Providers to ensure an appropriate level of internet for base end users even in certain cases where high quality internet is indispensable (ie: telemedicine services, high level video conferences);
- National parliaments to make legislation based on the idea that the quality of broadband internet access cannot be blocked or degraded by any specialised services.