

# BEREC work to develop European net neutrality guidelines

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#NetCompetition seminar, 26 January 2016, European Parliament, Brussels

# BEREC NN EWG background

- **2010** – BEREC Net Neutrality Expert Working Group established
- **2010** – BEREC response to Commission NN consultation
- **2011** – BEREC NN Transparency guidelines
- **2011** – BEREC NN QoS Framework report
- **2012** – BEREC Traffic Management Investigation
- **2012** – BEREC NN QoS Guidelines
- **2012** – BEREC Net Neutrality Position
- **2014** – BEREC NN QoS Monitoring report
- **2015** – BEREC How consumers value NN
- **2015** – BEREC NN QoS Feasibility study
- **2016 ongoing** – BEREC Net Neutrality Guidelines
- **2016 upcoming** – BEREC NN QoS Regulatory assessment

# European NN regulatory timeline

- **2009** Regulatory Framework
  - *FD Policy objective: Promoting the ability of end-users to...*
  - *USD Art. 21 & 22: Enhanced transparency*
  - *USD Art. 22(3): Minimum QoS requirements*
- **2013** European Commission
- **2014** European Parliament
- **2015** Council of EU, followed by trilogue
- **2015, 26 Nov**, NN rules published in OJ
- **2016, 30 Aug**, BEREC Net Neutrality Guidelines

# BEREC work to develop NN guidelines

## *Article 5*

### **Supervision and enforcement**

#### Paragraph 3

By 30 August 2016, in order to contribute to the consistent application of this Regulation, BEREC shall, after consulting stakeholders and in close cooperation with the Commission, issue guidelines for the implementation of the obligations of national regulatory authorities under this Article.

# NN guidelines development process

- 26 Nov 2015, TSM Regulation published in OJ
- **15-16 Dec 2015, BEREC NN Stakeholder dialogues**
- BEREC development of Net Neutrality Guidelines in close cooperation with the Commission
- 2-3 June 2016, BEREC Board of Regulators meet
- **Public consultation of draft Net Neutrality Guidelines**
- Processing responses and updating guidelines text
- BEREC Board of Regulators adopts the final Guidelines
- By 30 Aug 2016, final Net Neutrality Guidelines issued

# BEREC NN stakeholder dialogue

- As an initial step, BEREC has met with a number of stakeholders to gather views – meetings were held on 15 and 16 Dec 2015
- Stakeholder organisations at the European level representing
  - ISPs, equipment manufacturers,
  - content and application providers,
  - end users and consumers, and civil society.
- Following these stakeholder dialogue meetings, BEREC has started its work to develop the NN guidelines, in close cooperation with EC.
- In doing so, BEREC will, in addition to the TSM Regulation, draw on
  - existing BEREC net neutrality publications
  - input received at the stakeholder meetings

# NN Guidelines – main questions

1. The kinds of **traffic management** practices which will be allowed under the new rules;
2. The role and nature of **specialised services** and how they relate to the new rules;
3. The parameters of **IAS quality** (e.g. speeds) on which ISPs will be required to provide information;
4. The extent to which “**commercial practices**”, such as zero-rating, can co-exist with the new rules.

# 1. Traffic management for IAS

- a) **“Categories of traffic” and similar terms**  
How to understand the different terms in Art. 3(3)?
- b) **Reasonable traffic management (TM)**  
Which TM practices are in line with the Regulation?
- c) **TM going beyond reasonable TM**  
What kind of “congestion management” is allowed?

## 2. Specialised services vs. IAS

- a) **SpS meeting requirements for a specific level of quality**  
When is it necessary to meet such requirements?
- b) **Network capacity sufficient to SpS in addition to IAS**  
How to ensure that there is sufficient capacity?
- c) **SpS effect on innovation and openness of the Internet**  
What is the impact of the possibility to provide SpS?

## 3. IAS quality and implications

- a) **Transparency regarding traffic management**  
What information would be beneficial for end users?
- b) **Transparency regarding IAS quality (speed etc.)**  
How to communicate speeds of IAS offers?
- c) **Key NN indicators should be monitored by NRAs**  
How to “closely monitor and ensure compliance”?

## 4. Commercial practices / zero-rating

- a) **Commercial practices applied to the IAS offers**  
How to understand the term “commercial practices”?
- b) **ISP practices limiting end users’ rights**  
Which commercial practices would limit end users’ rights?
- c) **Monitoring of traffic for the purpose of traffic management**  
What kind of monitoring of traffic would be allowed?

**Thank you!**