

Press release

BEREC publishes guidelines on net neutrality

30 August 2016

The Body of European Regulators for Electronic Communications (BEREC) has today published its Guidelines to National Regulatory Authorities (NRAs) on the implementation of the new net neutrality. BEREC's mandate to produce the Guidelines stems from the Telecoms Single Market Regulation¹ on open internet access. The Guidelines provide guidance for NRAs to take into account when implementing the rules and assessing specific cases.

After meetings with European-level stakeholders in December 2015 and a workshop with high-level academic, legal and technical experts in February 2016, BEREC launched a six-week public consultation on the draft Guidelines, closing at 14:00 CET on 18 July. The number of 481,547 contributions received before the deadline was unprecedented for a BEREC consultation, and coming from diverse categories of respondents: civil society, public institutions and independent experts, ISPs, content and application providers and other industry stakeholders.

The BEREC Office has processed the contributions received, and BEREC has conducted a thorough evaluation of the contributions, updating about a quarter of the paragraphs in the final Guidelines.

The Guidelines are published together with an accompanying consultation report summarising stakeholders' views submitted and how they have been taken into account. Given the high volume of contributions the consultation report had to focus on a summary of the main topics and comments put forward. All non-confidential responses will be published separately by 30 September.

In the finalising the Guidelines, BEREC took into account the many responses received, which were often arguing in opposite directions. On certain topics, some stakeholders wanted BEREC to go further on certain topics whilst others wanted BEREC to be less prescriptive, depending on their respective perspective. BEREC considers this a signal that, in many areas, BEREC's initial approach had struck an appropriate balance in accordance with BEREC's interpretation of the Regulation.

Among those paragraphs that BEREC decided to amend, BEREC clarified those where the consultation revealed misunderstandings or a potential lack of clarity. Furthermore, BEREC provided additional examples where appropriate and brought the text closer in line with the provisions and recitals of the Regulation.

¹ Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R2120&from=EN>

With the adoption of the Guidelines, BEREC has provided NRAs with a basis to enforce the Regulation consistently. Going forward, BEREC will foster the ongoing exchange of experiences by NRAs of their implementation of the Regulation.

The presentation of the final Guidelines is taking place today at 14:30 (CET) and will be live-streamed on BEREC's website (www.berec.europa.eu). Questions can be addressed to the BEREC Chair 2016, Wilhelm Eschweiler, and the incoming BEREC Chair 2017, Sébastien Soriano, as well as the Co-Chair of the Net Neutrality Expert Working Group, Frode Sørensen, via Twitter by using #BERECpublic or by sending to press@berec.europa.eu.

For further information: press@berec.europa.eu.

NOTE TO THE EDITOR

About BEREC

BEREC (Body of European Regulators for Electronic Communications) is composed of a Board of Regulators consisting of the Heads of the 28 national regulatory authorities (NRAs). BEREC advises the European Commission and its member NRAs, and assists the European Parliament and Council, on issues related to the application of the EU regulatory framework for electronic communications. BEREC seeks to ensure fair competition and consistency of regulation in the internal market for electronic communications, for the benefit of European consumers.

More information can be found at <http://berec.europa.eu/eng/net>.

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