



European Broadcasting Union

Office to the European institutions

Union Européenne de Radio-Télévision

Bureau auprès des Institutions européennes

Mr. Chris Fonteijn
BEREC Chair
c/O OPTA
P.O. Box 90420
The Hague 2509 LK
The Netherlands

Brussels, 2 November 2011

Subject: public consultation on BEREC draft guidelines on net neutrality and transparency

Dear Mr. Fonteijn,

On behalf of the European Broadcasting Union, a Europe-wide association of national public service broadcasters, we warmly welcome the opportunity to respond to the public consultation regarding the BEREC draft guidelines on net neutrality and transparency. The EBU and its member organisations are strong supporters of an open, neutral and transparent public Internet. The open Internet is a driver for innovation and growth and is a critical platform for delivering plurality of voice, freedom of expression, empowering citizens, and developing international dialogue and interactivity. In fulfilling their public service mission, EBU members seek to serve their audiences equally and without discrimination. This also includes those users who chose to access public service broadcasting services via the Internet.

Safeguarding transparency to Internet users with regard to restrictions to the access to content and applications is essential in order to achieve net neutrality. That's why the EBU strongly support the work BEREC is doing in this field. We particularly welcome BEREC's findings that offers should be meaningful and comparable for Internet users based on common terminology and frames of reference and that information on traffic management practices should be provided to end users along with information on about how these practices may affect the end users' access service. Furthermore, the EBU welcomes the fact that the principles governing traffic management should be the same for mobile and for fixed networks.

At the same time, the EBU is of the opinion that transparency of traffic-related information to citizens as such is definitely not sufficient to achieve net neutrality and the effective exercise of fundamental rights and freedoms such as the freedom of expression. We need to ensure sufficient and effective competition in fixed and mobile broadband markets across Europe also enabling users to switch broadband providers easily if ISPs carry out unwanted traffic management practices.

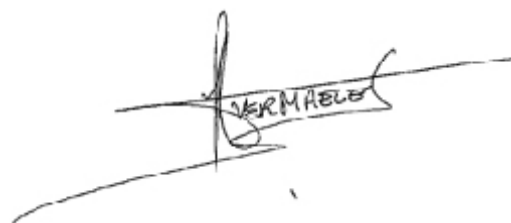
Proper monitoring of current ISPs' traffic management practices and market developments is strongly required. Where there is an evidence of anti-competitive behaviour or risk of consumer harm, national regulators and the Commission should be prepared to intervene rapidly and effectively and additional guidance may be needed about the extent and scope of the tools to do so (including imposing minimum quality of service requirements). It is of the utmost importance to pay particular attention to the possible implications of ISPs traffic management practices for the freedom of expression, as well as media pluralism and cultural diversity.

The EBU therefore fully supports BEREC's work on the other work streams on net neutrality and very much looks forward to the expected output in 2012. We remain at your disposal in case the EBU could be of assistance to BEREC's proceedings.

Yours sincerely,



Nicola Frank
EBU Head of European Affairs



Lieven Vermaele
EBU Director of Technology & Development