



OPERATING EUROVISION AND EURORADIO

14.04.2022

## **EBU RESPONSE TO PUBLIC CONSULTATION ON DRAFT BEREC GUIDELINES ON THE IMPLEMENTATION OF THE OPEN INTERNET REGULATION**

The European Broadcasting Union (EBU) welcomes the opportunity to take part in the Public Consultation on the draft BEREC Guidelines on the Implementation of the Open Internet Regulation (“the Guidelines”).

The EBU and its Members – Public Service Media (“PSM”) organizations from 56 countries across Europe and beyond – are, as mentioned in their responses<sup>1</sup> to the two previous BEREC consultations on its draft Guidelines, strong supporters of an open, neutral and transparent public Internet that facilitates audiences’ access to trusted PSM services. As major investors in high quality programming, news and documentaries, EBU Members are keen to secure that Internet access offerings across Europe continue to offer citizens access to a broad and diverse range of content. The open internet remains key for diversity and pluralism. From a PSM perspective and bearing in mind the PSM service mission and role in society, it is essential that PSM are able to make their programmes and services accessible for everyone via users' preferred networks, platforms and devices.

As far as “zero tariff” is concerned, in earlier replies to BEREC consultations<sup>2</sup>, the EBU called for active monitoring by NRAs of such commercial practices, in order to assess the (potential) harm to end-user rights, innovation and pluralism. The EBU now takes note of the draft proposal of the Guidelines that aims to reflect the recent rulings by the European Court of Justice (ECJ) which state that zero tariff offers are incompatible with the equal treatment of traffic obligation set out in the Open Internet Regulation. The EBU and its Members welcome the clarity that this proposal offers by stating that zero tariff options are inadmissible and providing examples of admissible differentiated pricing that relies on the “application-agnostic” criterion.

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<sup>1</sup> EBU response [2019](#) ; EBU response [2016](#)

<sup>2</sup> See footnote 1