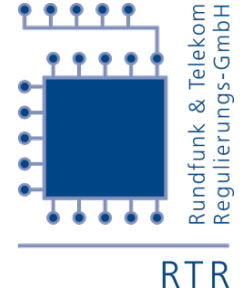


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# CEE Peering Day – Digital Single Market Proposal and Net Neutrality

Jan Weber

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## Draft Regulation „Connected Continent“ (adopted Sept 12, 2013)

### Three pillars

- Single EU authorisation for an electronic communication service provided within the EU
- Harmonisation of inputs on European level
  - Enhanced predictability on frequency allocation and use
  - Minimum parameters for EU-harmonised virtual broadband access products
- Harmonisation of end user protection
  - Mandatory contract information
  - Increased transparency
  - Measures to avoid bill shocks
  - Further reduction of roaming charges



## Net neutrality (1)

### Specialised services, open Internet

- „Specialised services“, Art 2 (15): an electronic communications service **optimised for** specific content, applications or services, or a combination thereof, **provided over logically distinct capacity and relying on strict admission control with a view to ensuring enhanced quality from end to end** and that is not marketed or **usable** as a substitute for internet access service
- “Open Internet”, Art 23 (1): End-users shall be free to access and distribute information and content, run **and provide** applications and services **and use terminals** of their choice, **irrespective of the end-user’s or provider’s location or the location, origin or destination of the service, information or content**, via their internet access service. ~~End-users shall be free to enter into agreements on data volumes and speeds with providers of internet access services and, in accordance with any such agreements relative to data volumes, to avail of any offers by providers of internet content, applications and services.~~



## Net neutrality (2)

### Traffic management

- “Traffic management”, Art 23 (5): Within the limits of any contractually agreed data volumes or speeds for internet access services, providers of internet access services shall not restrict the freedoms provided for in paragraph 1 by blocking, slowing down, **altering or** degrading specific content, applications or services, or specific classes thereof, except in cases where it is necessary to apply **reasonable** traffic management measures. **Traffic** management measures shall be transparent, non-discriminatory, proportionate and necessary to:
  - a) implement ~~a legislative provision or~~ a court order ~~or prevent or impede serious crimes~~;
  - b) preserve the integrity and security of the network, services provided via this network, and the end-users' terminals;
  - d) **prevent or mitigate** the effects of temporary or exceptional network congestion provided that equivalent types of traffic are treated equally.
- **Traffic management measures shall not be maintained longer than necessary.**
- **Without prejudice to Directive 95/46, traffic management measures shall** only entail **such** processing of **personal** data that is necessary and proportionate to achieve the purposes set out in this paragraph, **and shall also be subject to Directive 2002/58, in particular with respect to confidentiality of communications.**
- **Providers of internet access services shall put in place appropriate, clear, open and efficient procedures aimed at addressing complaints alleging breaches of this Article. Such procedures shall be without prejudice to the end-users right to refer the matter to the national regulatory authority.**



## Net neutrality (3)

### NRA Monitoring

- “NRA Monitoring”, Art 24 (1): ***In exercising their powers under Article 30a with respect to Article 23, national regulatory authorities shall closely monitor compliance with Article 23(5) and*** the continued availability of non-discriminatory internet access services at levels of quality that reflect advances in technology. They shall, in cooperation with other competent national authorities, also monitor the effects on cultural diversity and innovation. National regulatory authorities shall ***publish reports*** on an annual basis ***regarding their monitoring and findings, and provide those reports to the Commission and BEREC.***

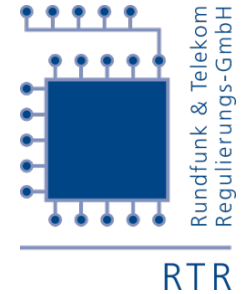


## Selected reading

Commission proposal, RTR NN position paper, BEREC reports

- Commission proposal COM(2013)627, Sept. 12, 2013:  
<https://ec.europa.eu/digital-agenda/en/news/regulation-european-parliament-and-council-laying-down-measures-concerning-european-single>
- RTR position paper on net neutrality, May 7, 2013:  
<https://www.rtr.at/de/tk/RTRPosition2013>
- BEREC BoR (13)142 - BEREC views on the proposal “Connected Continent”, Oct. 17, 2013:  
[http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/opinions/2922](http://berec.europa.eu/eng/document_register/subject_matter/berec/opinions/2922)
- BEREC BoR(12)130 – An Assessment of IP interconnection in the context of net neutrality, Dec. 6, 2012:  
[http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/reports/1130](http://berec.europa.eu/eng/document_register/subject_matter/berec/reports/1130)
- BEREC BoR (12)30 - BEREC findings on traffic management and other practices resulting in restrictions to the open internet in Europe, May 29, 2012:  
[http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/reports/45](http://berec.europa.eu/eng/document_register/subject_matter/berec/reports/45)
- ITRE Committee documents (Feb. 24, 2014):  
[http://www.europarl.europa.eu/meetdocs/2009\\_2014/organes/itre/itre\\_20140224\\_1900.htm](http://www.europarl.europa.eu/meetdocs/2009_2014/organes/itre/itre_20140224_1900.htm)

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