



Open internet and net neutrality in Europe

The debate about net neutrality pits defenders of an open internet against those who prefer a hands-off approach to regulation. Differences among Member States may complicate the formulation of a coherent EU policy.

Debate

Net neutrality is a founding principle of the internet. It requires internet service providers (ISPs) to deliver data without differentiating by source or type. This principle was relatively uncontroversial before the advent of online video, telephony and games. Heavier traffic has congested the infrastructure, prompting ISPs to "throttle" (limit) or charge extra for certain kinds of service, for both desktop and mobile internet.

Consumer groups and other **net neutrality advocates** are concerned that ISPs might exploit such differentiation to hinder competition, innovation and consumer choice. Moreover, traffic management entails scrutiny of content, potentially encroaching on privacy and freedom of speech.

On the other hand, large telecommunication companies and other **net neutrality opponents** insist that differentiated access is needed to maintain service quality and fund investment in network infrastructure. They argue against regulation on net neutrality, claiming that existing laws and market forces can address the risk of abuse by ISPs.

However, to make informed choices, consumers need clarity about how traffic is filtered and about any contractual limitations on switching providers. There are obstacles to competition in rural areas and on mobile internet platforms, [activists](#) point out.

EU policy

The EU's [framework directive](#) on electronic communications networks and services, [amended](#) in 2009, requires national regulators to promote consumers' ability to access and distribute information. Upon concluding the 2009 EU telecoms reform package, which

Member States (MS) are still implementing, the Commission [declared](#) its commitment to the open and neutral character of the internet. Commissioner for the digital agenda Neelie Kroes [aims](#) to strike the right balance between the parties concerned.

In April 2011, after [consulting](#) stakeholders, the Commission adopted a [communication](#) on net neutrality, deferring judgment until the publication of a report by the Body of European Regulators for Electronic Communications. By the end of 2011, the Commission will publish any evidence it finds of unfair practices. The Commission will then decide whether further guidance on net neutrality is required.

In line with the Commission's wait-and-see approach, [draft conclusions](#) circulated by the Polish Presidency in November 2011 suggest that industry, "in coordination" with regulators, can improve transparency regarding traffic management and connection speeds.

[Analysts](#) are sceptical about the prospects for a coherent EU policy, as MS take diverging views. In June 2011, [the Netherlands](#) became the first EU country to adopt explicit legislation on net neutrality, preventing mobile telephone operators from blocking or charging a premium for online communication services such as Skype. Similar legislation is being considered in Belgium, Spain and elsewhere.

Other EU governments are more cautious about regulation, preferring to allow the industry to settle the debate as long as it abstains from anticompetitive practices. The UK's telecoms regulator decided not to intervene after holding a [consultation](#) in 2010.

European Parliament position

In a 12 May 2011 resolution, the EP [affirmed](#) net neutrality as a driver of innovation. In a further resolution of 5 July 2011, the EP [called](#) for effective transposition of net neutrality provisions, to enable internet users to access the services and content, and run the applications of their choice.