EUROPEAN PARLIAMENT 2009 - 2014

Plenary sitting

B7-0000/2011

MOTION FOR A RESOLUTION

further to Question for Oral Answer B7-0000/2011

pursuant to Rule 115(5) of the Rules of Procedure

on The open internet and net neutrality in Europe

Herbert Reul
on behalf of the Committee on Industry, Research and Energy

B7-0000/2011

European Parliament resolution on Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions - The open internet and net neutrality in Europe

The European Parliament,

– having regard to Commission Communication COM (2011) 0222 final of 19 April 2011 on the open internet and net neutrality in Europe,

– having regard to the question of xx xx xxxx to the Council on Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions - The open internet and net neutrality in Europe (O-xxxx/xxxx – B7-0000/2011),

- having regard to the Commission declaration on net neutrality (2009/C 308/02) of 18 December 2009,

- having regard to Articles 1 (8) (g) and 8 (§4) (g) the Directive 2009/140/EC of 25 November 2009 amending Directive 2002/21/EC of 7 March 2002 on a common regulatory framework for electronic communications networks and services,

- having regard to Articles 21, 22(3) and 30(6) of the Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive),

- having regard to Article 1 (14) (g) the Directive 2009/136/EC of 25 November 2009 amending Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws,

- having regard to the Regulation No (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office,

- having regard to its resolution of 6 July 2011 on European Broadband: investing in digitally driven growth

- having regard to the Commission Communication COM (2010) 0245 final of 19 May 2010 on the Digital Agenda for Europe,

- having regard to the Council Conclusions of 31 may 2010 on "Digital Agenda for Europe",

- having regard to the Commission Communication COM(2011) 206 final of 13 April 2011 "Single Market Act. Twelve levers to boost growth and strengthen confidence - Working together to create new growth",

- having regard to the Summit on "The open internet and net neutrality in Europe" co-organised by the European Parliament and the European Commission in Brussels on 11 November 2010

– having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

A. whereas the Council is planning to adopt conclusions on the open internet and net neutrality in Europe at the TTE Council of 13 December 2011,

B. whereas EU Member States should have complied by 25 May 2011with the 2009 EU telecoms reform package and the Commission has already taken necessary steps to ensure that the principles of the EU Treaty and of the 'acquis communautaire' are respected,

C. whereas the European Parliament has called on the Commission to safeguard the principles of the neutrality and openness of the internet and to promote the ability of end-users to access and distribute information and run applications and services of their choice,

D. whereas the Commission has asked the Body of European Regulators for Electronic Communications (BEREC) to look into the barriers to switching operators, blocking or throttling of internet traffic as well as on transparency and quality of service in Member States,

E. whereas, the internet services are offered on an international scale and the internet is at the very centre of the global economy,

F. whereas in particular, as underlined in the Digital Agenda for Europe, broadband and internet are important drivers for economic growth, job creation and European competitiveness on the global level,

G. whereas Europe will only be capable of fully exploiting the potential of a digital economy through stimulation of a well-functioning internal digital market,

1. Welcomes the communication of the Commission and agrees with the analysis, in particular on the need of preserving the open and neutral character of the internet;

2. Notes that based on the present analysis there is no clear need for additional regulatory intervention on net neutrality;

3. Welcomes the work of the BEREC in this area and calls the Member States and in particular NRAs to work closely with BEREC;

4. Calls on the Member States to ensure consistency in the approach on net neutrality and the

effective implementation of the revised EU telecoms package;

5. Emphasizes that any solution proposed on the issue of net neutrality should ensure a common European approach;

6. Underlines the importance of cooperation and coordination among the Member States and in particular among the NRAs, together with the Commission, in order for the EU to benefit from the full potential of the internet;

7. Recognises that reasonable traffic management is required to ensure that the end user's connectivity is not disrupted by network congestion but calls for transparency in traffic management;

8. Draws the attention to potential challenges when departing from network neutrality including anticompetitive behaviour, blockage of innovation, restriction on freedom of expression lack of consumer awareness and infringement of privacy and that the lack of net neutrality hurts both businesses, consumers and society as whole;

9. Reminds that the EU regulatory framework aims at promoting effective competition and therefore any measure in the area of net neutrality should in addition to existing competition law provide tools to deal with any anti-competitive practices that may emerge as well as lead to investments and facilitate new innovative business models;

10. Considers transparency, quality of service and ease of switching as necessary conditions of net neutrality in assuring the end-users of freedom of choice and requests;

11. Asks the Commission to assess the need for additional guidance on net neutrality to achieve competition and freedom of choice for consumers;

12. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States.