

26.3.2014

A7-0190/234

Amendment 234
Marietje Schaake
on behalf of the ALDE Group

Report
Pilar del Castillo Vera
European single market for electronic communications
COM(2013)0627 – C7-0267/2013 – 2013/0309(COD)

A7-0190/2014

Proposal for a regulation
Article 2 – Definition 12 a (new)

Text proposed by the Commission

Amendment

12a. "net neutrality" means the principle according to which all internet traffic is treated equally, without discrimination, restriction or interference, independently of its sender, recipient, type, content, device, service or application;

Or. en

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Amendment 235

Jens Rohde, Marietje Schaake
on behalf of the ALDE Group

Report

Pilar del Castillo Vera

European single market for electronic communications
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A7-0190/2014

Proposal for a regulation

Article 2 – paragraph 2 – points 14 and 15

Text proposed by the Commission

Amendment

(14) "internet access service" means a publicly available electronic communications service that provides connectivity to the internet, and thereby connectivity between virtually all end points connected to the internet, irrespective of the network technology used;

(14) "internet access service" means a publicly available electronic communications service that provides connectivity to the internet ***in accordance with the principle of net neutrality***, and thereby connectivity between virtually all end points of the internet, irrespective of the network technology ***or terminal equipment*** used;

(15) "specialised service" means an electronic communications service ***or any other service that provides the capability to access specific content, applications or services, or a combination thereof, and whose technical characteristics are controlled from end-to-end or provides the capability to send or receive data to or from a determined number of parties or endpoints***; and that is not marketed or widely used as a substitute for internet access service;

(15) "specialised service" means an electronic communications service ***optimised for specific content, applications or services, or a combination thereof, provided over logically distinct capacity, relying on strict admission control, offering functionality requiring enhanced quality from end to end***, and that is not marketed or usable as a substitute for internet access service;

Or. en

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Amendment 236

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A7-0190/2014

Proposal for a regulation

Article 23

Text proposed by the Commission

Amendment

1. End-users shall **be free** to access and distribute information and content, run applications and **use** services of their choice **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.

2. *End-users shall also be free to agree with either providers of electronic communications to the public or with providers of content, applications and services on the provision of specialised services with an enhanced quality of service.*

In order to enable the provision of specialised services to end-users, providers of content, applications and services and providers of electronic communications to the public shall be free to enter into agreements with each other to transmit the related data volumes or traffic as specialised services with a defined quality of service or dedicated

1. End-users shall **have the right** 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**.

2. *Providers of internet access, of electronic communications to the public and providers of content, applications and services shall be free to offer specialised services to end-users. Such services shall only be offered if the network capacity is sufficient to provide them in addition to internet access services and they are not to the detriment of the availability or quality of internet access services. Providers of internet access to end-users shall not discriminate between functionally equivalent services and applications.*

capacity. The provision of specialised services shall not impair in a recurring or continuous manner the general quality of internet access services.

3. This Article is without prejudice to Union or national legislation related to the lawfulness of the information, content, application or services transmitted.

4. The exercise of the freedoms provided for in paragraphs 1 and 2 shall be facilitated by the provision of complete information in accordance with Article 25(1), Article 26 (2), and Article 27 (1) and (2).

*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, degrading or discriminating against specific content, applications or services, or specific classes thereof, except in cases where it is necessary to apply **reasonable** traffic management measures. **Reasonable** 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;
- c) prevent the transmission of unsolicited communications to end-users who have given their prior consent to such*

4. End-users shall be provided with complete information in accordance with Article 20(2), Article 21(3) and Article 21a of Directive 2002/22/EC, including information on any traffic management measures applied that might affect access to and distribution of information, content, applications and services as specified in paragraphs 1 and 2 of this Article.

*5. Providers of internet access services and end-users may agree to set limits on 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**, degrading or discriminating against specific content, applications or services, or specific classes thereof, except in cases where it is necessary to apply traffic management measures. Traffic management measures shall be transparent, non-discriminatory, proportionate and necessary to:*

- a) implement a court order;
- b) preserve the integrity and security of the network, services provided via this network, and the end-users' terminals;

restrictive measures;

d) *minimise* the effects of temporary *or* exceptional network congestion provided that equivalent types of traffic are treated equally.

Reasonable traffic management *shall only entail processing of data that is necessary and proportionate to achieve the purposes set out in this paragraph.*

d) *prevent or mitigate* the effects of temporary *and* 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.

Or. en