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Answer given by Ms Kroes
on behalf of the Commission
(4.7.2012)

The electronic communications framework, as amended by the European Parliament and Council in 2009, includes various elements relating to net neutrality, including on transparency, which Member States had to transpose into national law last year. The Commission will ensure that these are properly transposed and implemented into national laws. Pending implementation of these new provisions, it is still too early to determine whether further legislative action is required. Nevertheless, the Commission believes, also on the basis of BEREC's findings mentioned by the Honourable Member, that guidance is needed to ensure competition and provide consumers with the choice they deserve across all 27 Member States. It is important for consumers to be able to have choice of offers and services from different providers and that they are able to compare between different offers. Competition and consumer choice should make internet services affordable. The Honourable Member also asks regarding the use of technologies to throttle certain data streams. The Commission considers that the use of such tools should not infringe the rights of consumers, including the right to privacy. Moreover, the Commission will further ensure that there is no fragmentation in the Digital Single Market, amongst others by using its new powers under Article 22(3) of the Universal Service Directive.