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The European Commission is seeking answers to questions on specific aspects of transparency, traffic management and switching in an Open Internet.

THIS CONSULTATION IS NOW CLOSED

Policy fields

Communications Networks, Content & Technology

Who can reply to this consultation?

- Ministries responsible for telecommunications, Internet and consumer protection
- National regulators
- Internet network and service providers
- Internet content and applications providers
- Consumers, users and their associations and organisations providing service information to consumers (e.g. comparison websites).

However, comments from all other interested parties are welcome by the Commission services.

Period of consultation

Please reply by 15 October 2012 at the latest, completing either the entire questionnaire or just those parts relating to your activities or interests. Late responses will be taken into account only as much as possible.

Purpose of the consultation

This public consultation seeks responses to specific questions on transparency, switching and certain aspects of traffic management which emerged as key issues in the net neutrality debate that has taken place in Europe over the past years.

The EU regulatory framework for electronic communications as reviewed in 2009 enshrines as a policy objective the end-users' ability to access and distribute information or run applications and services of their choice. It also modernises the provisions regarding ease of switching, transparency and quality of service, and gives National Regulatory Authorities (NRAs) tools to deal with net neutrality issues. Under the Universal Service Directive, NRAs dispose of a competence to set minimum quality of service requirements and are also empowered to settle disputes between market players.

The Commission launched a broad public consultation on 'The open Internet and net neutrality in Europe' in summer 2010 followed by a joint summit with the European Parliament in November 2010.

In April 2011 the Commission adopted its Communication 'The open Internet and net neutrality in Europe' [1], and on 29 May 2012 the Body of European Regulators of Electronic Communications (BEREC) published the results of its traffic management investigation [2] undertaken upon the Commission's request. In addition, BEREC has looked into quality of service [3], transparency [4], competition issues [5] and IP interconnection [6] in the context of net neutrality. BEREC further issued a report on best practices to facilitate consumer switching [7], where it concluded that for competition to be able to deliver effective outcomes for consumers it was essential to ensure transparency for consumers and called inter alia for a minimisation of unnecessary switching costs and barriers.

The BEREC Traffic Management Investigation results provide a good overview of traffic management practices in Europe. The most frequently reported restrictions are the blocking and/or throttling of peer-to-peer (P2P) traffic, on both fixed and mobile networks, and the blocking of VoIP (Internet telephony) traffic on mobile networks. Over 400 operators participated in the investigation which showed that at least 20% of all Internet users, and potentially up to half of EU mobile broadband users, have contracts that allow their Internet service provider (ISP) to restrict services like VoIP or P2P. According to the BEREC report among those fixed and mobile operators with contractual restrictions on P2P 96% and 88%, respectively, enforce them technically. Contractual restrictions on VoIP are technically enforced by more than half (56%) of the mobile operators with such restrictions in their contracts.

In the light of the BEREC results, the Commission concluded that the problems identified warrant targeted action to safeguard and empower consumers. Moreover, all market players need more regulatory certainty to promote the efficient use of networks, infrastructure investments and the development of new business models. The Commission considers regulatory intervention in competitive markets as inappropriate unless it is the only way to solve problems. In a competitive environment consumers are able to change their operator if the latter does not provide the wanted services or restricts their Internet access. For competition to become effective consumers need to be well informed about the characteristics of the services they are offered and they – or at least a sufficient number of them to constrain a given operator - must be able to easily switch between services and service providers.

In order to allow consumers to have access to Internet service offers that truly meet their needs and to enable them to effectively exercise their choices, the Commission is envisaging policy measures addressing the issues of transparency, switching and certain aspects of traffic management, including deep packet inspection (DPI). DPI technologies examine different layers (header and content) of data packets to decide whether a packet may pass or needs to be routed to a different destination. DPI can be used to protect the network and users against malware (viruses etc.) but also to block or slow down other data packets. Union-wide guidance on these issues would avoid diverging approaches in the Member States and a fragmentation of the Digital Single Market.

In view of the previous extensive consultation this consultation focuses on factual information and best practices regarding the relevant issues of transparency, switching and traffic management. The responses from stakeholders are crucial input into the Commission's future actions in this area.

How to submit your contribution

We welcome contributions from citizens, public authorities and organisations, such as consumer or user associations, organisations providing service information to consumers, Internet network or service providers, associations of Internet network or service providers, Internet content and applications providers, associations of Internet content and applications providers, etc. They have to be submitted by 15 October 2012. Some questions aim at gathering detailed, often technical, information. Private individuals are therefore not requested to reply to those questions. If you

consider that you can provide useful factual contributions also to those questions, you are invited to answer them. All other addressees are asked to respond to all questions to the extent possible. Where relevant, please distinguish whether you refer to fixed or mobile Internet access.

- If you are answering this consultation as a citizen, please click here [8] to submit your contribution.
- If you are answering this consultation on behalf of an organisation or of a public authority, please click here [9] to submit your contribution. If your organisation is registered in the Transparency Register, please indicate your Register ID number. If your organisation is not registered, you have the opportunity to register now [10]. Responses from organisations not registered will be published separately.

The Commission asks organisations who wish to submit comments in the context of public consultations to provide the Commission and the public at large with information about whom and what they represent. If an organisation decides not to provide this information, it is the Commission's stated policy to list the contribution as part of the individual contributions (Consultation Standards, see COM (2002) 704, and Communication on ETI Follow-up, see COM (2007) 127 of 21/03/2007)

Received contributions will be published on the Internet. It is important to read the specific privacy statement attached to this consultation for information on how your personal data and contribution will be dealt with. Furthermore, you may indicate in your response any information that you consider as business secret or confidential and that you would not want to be published on the Internet as part of your contribution. If your answer contains confidential information, please provide a non-confidential version as well.

Responses to this public consultation can also be sent by 15 October 2012 via email to the European Commission at cnect-netneutrality@ec.europa.eu [11] or by post to the European Commission, DG CONNECT, Regulatory Coordination and Users Unit (B2), BU33 4/35, B-1049 Brussels (Belgium). Late responses will be taken into account only as much as possible. Responses can be in any of the 23 official languages of the EU, but replying in English, French or German would enable Commission services to process them more quickly. Please note that we do not need a hard copy in addition to the electronic version.

View the consultation questionnaires

Online questionnaire for Citizens [8]

Online questionnaire for Organisations and Public Authorities [9]

View the questionnaire in PDF [12]

Contact Details

Regulatory Coordination and Users Unit (B2), BU33 4/35
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cnect-netneutrality@ec.europa.eu [13]

Protection of personal data

The European Union is committed to user privacy. The policy on "protection of individuals with regard

to the processing of personal data by the Community institutions" is based on Regulation (EC) N° 45/2001 [14] of the European Parliament and of the Council of 18 December 2000. More information [15]

Some supporting documents and links

- Press release [16]
- Legal notice on personal data protection [15]
- Specific privacy statement [17]

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Links
[1] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0222:FIN:EN:PDF
[2] https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/Traffic%20Management%20Investigation%20BEREC_2.pdf
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[9] http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=NetNeutrality
[10] http://europa.eu/transparency-register/index_en.htm
[11] mailto:cnect-netneutrality@ec.europa.eu?subject=Public%20Consultation%20on%20specific%20aspects%20of%20transparency
[12] https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/Questionnaire_0.pdf
[13] mailto:cnect-netneutrality@ec.europa.eu?subject=Public Consultation on specific aspects of transparency, traffic management and switching in an Open Internet
[14] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:008:0001:0022:EN:PDF
[15] http://ec.europa.eu/geninfo/legal_notices_en.htm#personaldata
[16] https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/i12_817%20en_0.pdf
[17] https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/Specific-Privacy-Statement_0.pdf