

THE EU APPROACH TO NET NEUTRALITY

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What I might cover

- Some context to this debate
- How the 2009 Framework changes the picture
- What could happen in the next year
- And what a compromise could look like

Some Context

- We have been here before
- But this time it is different
- Competition and choice

Electronic Communications Framework (1)

- Why Net Neutrality was an issue
- What the discussions demonstrated
- What could have happened
- What did happen

Electronic Communications Framework (2)

- What we concluded on
- “Open Internet” – Article 8(4) FWD
- “Transparency” – Article 20(1) and Article 21(3) a discussions demonstrated
- “Quality of Service – Article 22(3)
- Commission “Declaration”

Electronic Communications Framework – Open Internet

- Issue of interpretation; has been read different ways;
- It is Crux of issue for EP and for some Member States

Electronic Communications Framework – Transparency

- Recognition that within bounds of Article 8(4) discrimination can take place
- Recognition that traffic management and shaping can take place and there can be limitations on access to and/or use of services
- Changes have to be notified during period of contract

Electronic Communications Framework – Quality of Service

- Article 22(3) recognises potential need of NRA to establish guidance or even regulations;
- Commission involvement in terms of coherence

Electronic Communications Framework – Declaration

- “Open and neutral” character of Internet;
- “safeguarding net freedoms”
- Report to EP And Council by end of 2010
- “deal” with any anti-competitive practices that emerge

What Could Happen Next?

- Commission have consulted (30th June, 2010); responses by 30th September
- Holding a Workshop in October
- Likely to be discussion / debate at Telecoms Council on 2/3 December
- Commissioner Kroes made it clear that an “open Internet” is non-negotiable
- Lot may depend on FCC (and perhaps BEREC) and also on you!

What Could a Compromise look like?

- Guidance on Transparency building on provisions in Article 20 and 21
- An agreement on what an “open Internet” means (i.e. no blocking of VOIP)
- Offerings to include “Open Internet” if Managed Services (IPTV) provided on differentiated basis
- “Deal” applicable to mobile and fixed

Questions and Discussion

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