

## Pivotal development for Net Neutrality – news from Europe

*On 10 December, BEREC, the European grouping of Telco regulators, released its final suite of documents on net neutrality. They will be influential internationally.*

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BEREC has been reviewing net neutrality (NN) for around 3 years, culminating in a suite of reports<sup>1</sup> dealing with topics that include guidelines as to NN and:

- Quality of service;
- IP Interconnection;
- Differentiation practices and related competition issues;
- Traffic management; and
- Transparency.

While each country has differing NN issues (and that is so too as between EU countries) there are common themes emerging. We think the BEREC reports will be instrumental in many countries.

Over the coming weeks we'll pick out some key points in articles. For the present, we note two high-level conclusions by BEREC.

First as to the right NN approach, BEREC says, taking a balanced approach:

it is worth making clear that traffic management practices are not intrinsically damaging to competition, innovation or consumer welfare. Some practices, such as those aimed at guaranteeing network integrity or improving the efficiency of resource allocations, are

generally justified and to be welcomed. However, even these practices should be as non-intrusive as is necessary to meet their objectives, and the actual impact of any differentiation practices on a particular market will depend on the characteristics of that market (including e.g., the market power or vertical integration of the operators in question, how widespread the practices are in that market, and end-users' ability to switch suppliers).

Second, BEREC suggests a monitoring wait-and-see approach, applying regulatory remedies where necessary:

If user- or application-based prioritisation (or de-prioritisation) on Internet access services were to become commonplace, or if specialised services were to become more widespread and develop at the expense of Internet access services, this could result in the degradation of the best effort Internet below an acceptable level, and require a regulatory response.

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1. [http://berec.europa.eu/eng/news\\_consultations/whats\\_new/1281-berec-has-adopted-two-summaries-and-the-updated-reports-on-net-neutrality](http://berec.europa.eu/eng/news_consultations/whats_new/1281-berec-has-adopted-two-summaries-and-the-updated-reports-on-net-neutrality)

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