

FACTSHEET

The EU's Net Neutrality rules

What is Net Neutrality?

In brief, Net Neutrality is the concept that "...all Internet should be treated equally, without discrimination or interference. When this is the case, users enjoy the freedom to access the content, services, and applications of their choice, using any device they choose. BEUC is working to ensure that the openness and neutrality of the Internet is respected and protected by all players.

Why does Net Neutrality matter to consumers?

Keeping Internet access open and neutral is essential if we are to exercise our fundamental freedoms and democratic rights, to participate in today's interconnected online societies and to benefit from eCommerce. An unrestricted, neutral Internet allows us to participate in today's online communities by accessing news and cultural content, for example, or to shop without undue restrictions.

Protecting Net Neutrality means protecting the Internet's its open and innovative character, where any start-up can reach almost the entire Internet, without having to worry which Internet service provider their target consumers use.

What do Internet users need?

- A connection of the speed and quality advertised.
- A connection that allows users to send and receive content, and to use the services, applications, hardware and software of their choice.
- A connection that that does not discriminate depending on the application (whether that is the browser, messaging client, or videoconferencing app), the service or the content used or accessed, and where the price of the connection is not based on the content that is transmitted over it.
- Competition between network, application, service, and content providers.
- Awareness of the network management practices (the techniques employed by network operators to manage traffic on their network) used by their network providers and confidence that these practices fully comply with data protection legislation.

What is the EU's new Net Neutrality law?

On 27 October, the European Commission, Parliament and Council adopted a Regulation on Net Neutrality and Roaming, which introduced rules on "safeguarding the open Internet in the EU", making a start on an EU-wide Net Neutrality principle.

The EU's new Net Neutrality law:

- Gives consumers the right to access and distribute information and content, use and provide applications and services and use terminal equipment of their choice.
- Ensures that any agreements between the providers and consumers on the commercial and technical conditions of the Internet service – such as price, data volume limitations or speeds – and any other commercial practices, do not prevent consumers from exercising their rights.



- Obliges Internet providers to treat all traffic equally, except for some special cases, e.g. to comply with legislation, preserve network security, or deal with network congestion. Any network management has to be non-discriminatory, and not based on commercial considerations. This means Internet providers should not discriminate in favour or against a specific content or service simply because that is in their own interest.
- Allows providers to offer so-called 'specialised services' – services other than Internet access that are optimised for specific content applications or services, such as high quality IP-Television or telemedicine services. This is dependent upon a

Disappointingly, the EU's new Net Neutrality law **does not**:

- Prohibit the practice of *zero-rating* content, where Internet access providers exclude specific services from a consumer's monthly data allowance. As a result, EU countries such as the Netherlands and Slovenia where this practice has been banned will have to change their domestic rules.
- Sufficiently protect Internet users from the undue impact from 'specialised services'. Stricter conditions are needed to prevent 'specialised services' (e.g. digital TV) being prioritised over Internet traffic. Additionally, offering 'specialised services' should not degrade the quality and availability of Internet access.

set of conditions, including that such specialised services *cannot* be offered as a replacement for the Internet service and should not be to the detriment of its quality.

- Mandates National Regulatory Authorities (NRAs) to closely monitor and ensure Internet providers comply with the Net Neutrality law.



- Address Net Neutrality beyond the 'last mile'. Currently, the EU law only addresses the relationship between the Internet provider and the consumer. This means that anything beyond the 'last mile'-network, i.e., the connection between your house and your provider's network, remains unregulated. For example, internet exchange points and traffic transit networks that lie at the core of the Internet are not bound by the EU's Net Neutrality law.

🗨️ What other related rights do consumer get?

From now on, contracts for Internet access services will have to **inform consumers about**:

- Traffic management measures that impact on quality or on consumer privacy.
- How any volume/speed limitation, other quality parameters or any 'specialised services' impact the service.
- The minimum and maximum speeds for fixed and mobile connections, and how significant derivations from these speeds affect users' Net Neutrality right.

Remedies available to the consumer in case of discrepancies between the contract and the actual performance of the broadband service.

The new plans also require providers to put in place transparent, simple and efficient **procedures to address consumer complaints related to Net Neutrality**.