



#NetCompetition Alliance's response to BEREC's consultation on the evaluation of the application of Regulation (EU) 2015/2120 and the BEREC Net Neutrality Guidelines

Brussels, 25 April 2018

The #NetCompetition Alliance is a unique group of stakeholders that brings together Consumer Organisations, Service Providers and Network Operators, Digital Rights Organisations and Online Content Providers. Together, these organisations represent the large majority of EU citizens' interests in broadband. The Alliance was set up on 16 November 2015 and is committed to promoting EU policies for the ongoing availability and better and affordable internet access, specifically through healthy competition. We welcome this opportunity to provide feedback to the BEREC's public consultation on the evaluation of the application of Regulation (EU) 2015/2120 and BEREC's Net Neutrality Guidelines.

The #NetCompetition Alliance considers that, by protecting Net Neutrality as one of the fundamental pillars of an open, innovative Internet, the EU's Net Neutrality Regulation supports service providers throughout the value chain to compete effectively. It is also crucial to help protect European citizens' fundamental rights and freedoms.

BEREC's Net Neutrality Guidelines are a first good step to steer the work of National Regulatory Authorities. On the controversial issue of zero rating, we believe that BEREC achieved a workable compromise by prohibiting the most problematic types of zero rating through its Guidelines. With regard to zero-rating of entire classes of traffic such as video or music streaming, however, BEREC decided in its Guidelines that this would be analysed on a case-by-case basis. In these cases, we believe it is important for BEREC to ensure that any online app or service provider who wishes to be part of a zero-rated traffic class can do so without undue entry barriers. This is important to ensure that any zero-rating allowed by National Regulators does not have any detrimental effect to competition online.

Regarding the relationship between future network technologies such as 5G and Net Neutrality, it is important to note that to date there is no credible evidence to suggest that these new technologies are in any way incompatible with the Net Neutrality principle. In order for 5G deployment to be successful, we recommend BEREC to carefully consider the impact of competition as well as the need for comprehensive fibre deployment.

Read more:

#Netcompetition: Supporting broadband choice and freedom of communication
<http://savenetcompetition.eu/pdf/NetCompPrinciples.pdf>

#NetCompetition Alliance's position on the proposed EU Electronic Communications Code [COM(2016)590]
http://savenetcompetition.eu/pdf/EECC_Position.pdf