Open Internet

EU rules enshrine the principle of open Internet access: internet traffic shall be treated without
discrimination, blocking, throttling or prioritisation.

Our commitment to open Internet access

The EU's Regulation on open Internet access grants end-users the directly applicable right to access
and distribute lawful content and services of their choice via their Internet access service. The
Regulation also enshrines the principle of non-discriminatory traffic management. At the same time, it
allows reasonable traffic management and, with the necessary safeguards, 'specialised services'.

Applicable since 2016, this Regulation (2015/2120) is a major achievement for Europe's Digital
Strategy. Common EU rules on open internet access ensure that the same provisions apply across
Europe.

The enforcement of the open Internet access rules is an important task of National Regulatory
Authorities (NRAs), which should take utmost account of the reviewed BEREC guidelines (.pdf) on the
Implementation of the Open Internet Access Regulation, adopted by BEREC in June 2020 and
amending the guidelines of 30 August 2016. The Commission continues to monitor closely the
application of the Regulation.

Under these rules, blocking, throttling and discrimination of internet traffic by Internet Service
Providers (ISPs) is not allowed in the EU. There are 3 exceptions: compliance with legal obligations;
integrity of the network; congestion management in exceptional and temporary situations.

All traffic has to be treated equally. For example, there can be no prioritisation of traffic in the Internet access service. Equal treatment still allows reasonable day-to-day traffic management according to objectively justified technical requirements, which must be independent of the origin or destination of the traffic and of any commercial considerations.

The Regulation clarifies the requirements regarding the provision of specialised services with specific quality requirements by internet access providers and providers of content and applications. They must respect certain safeguards to ensure that the open Internet is not negatively affected by the provision of these services.

Specialised services cannot be a substitute to Internet access services; they can only be provided if there is sufficient network capacity to provide them in addition to any Internet access service. And, they must not be to the detriment of the availability or general quality of Internet access services for end-users.

**The role of regulators and BEREC guidelines**

National Regulatory Authorities (NRAs) have to monitor market developments. They have the powers and the obligation to assess traffic management, commercial practices and agreements and to effectively enforce the Regulation.

NRAs also have to ensure that the quality of the Internet access service reflects advances in technology. They are empowered to set minimum quality of service requirements on Internet access providers and other appropriate measures to ensure that all end-users enjoy an open Internet access service of good quality.

On 30 August 2016, the Body of European Regulators for Electronic Communications (https://www.berec.europa.eu/) (BEREC), in close cooperation with the Commission and after having consulted stakeholders, issued guidelines for the implementation of the obligations of NRAs (.pdf) in order to contribute to the consistent application of this Regulation. These guidelines help NRAs to assess agreements and commercial practices and 'specialised services' against a common benchmark, to reach consistent decisions and enforcement actions, and more.

BEREC reviewed and published its updated guidelines on 16 June 2020 to implement the Open Internet Access Regulation.

The new version of these guidelines provides clarity on commercial offers with differentiated pricing or differentiated quality. The guidelines were prepared based on the experience of national regulators and of the Commission over the last 4 years. They are adjusted to better fit to future 5G use cases that will offer more flexibility, better quality and specialised services for connected objects.

**Annual country reports on open internet from national regulators**

According to Article 5 of the Regulation, National Regulatory Authorities (NRAs) have to closely monitor and ensure compliance with the provisions on open internet. NRAs are requested to publish annual reports and share these with the Commission and BEREC.

The Commission makes available the annual country reports it receives from national regulators on
open Internet. These reports were prepared by the National Regulatory Authorities (NRAs) and sent to the Commission and BEREC.


Previous reports


Commission report on open internet access

The Commission issued a report on the implementation of the Open Internet Access Regulation (https://ec.europa.eu/newsroom/dae/items/649700/en) on 30 April 2019. The aim of the report was to review the provisions of the Regulation on open Internet access. The Commission compared the situation in 2019 with the one in 2015 and concluded that the Regulation’s principles are appropriate and effective in protecting end-users rights and promoting the internet as an engine of innovation.

No amendments were proposed for the Regulation at this stage in order to continue with this period of regulatory stability and in view of continuing protecting end-users rights and promoting open access to the internet.

The Commission will continue to monitor developments in the market and will issue a report of the Regulation on open Internet access every four years.

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BEREC guidelines on implementation of open Internet Regulation
BEREC report on public consultation of guidelines for implementation
Commission report on implementation of Regulation
Commission study on open Internet

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The European Commission is supporting EU businesses, project managers and authorities in increasing network coverage to reach the EU’s Gigabit Society goals.