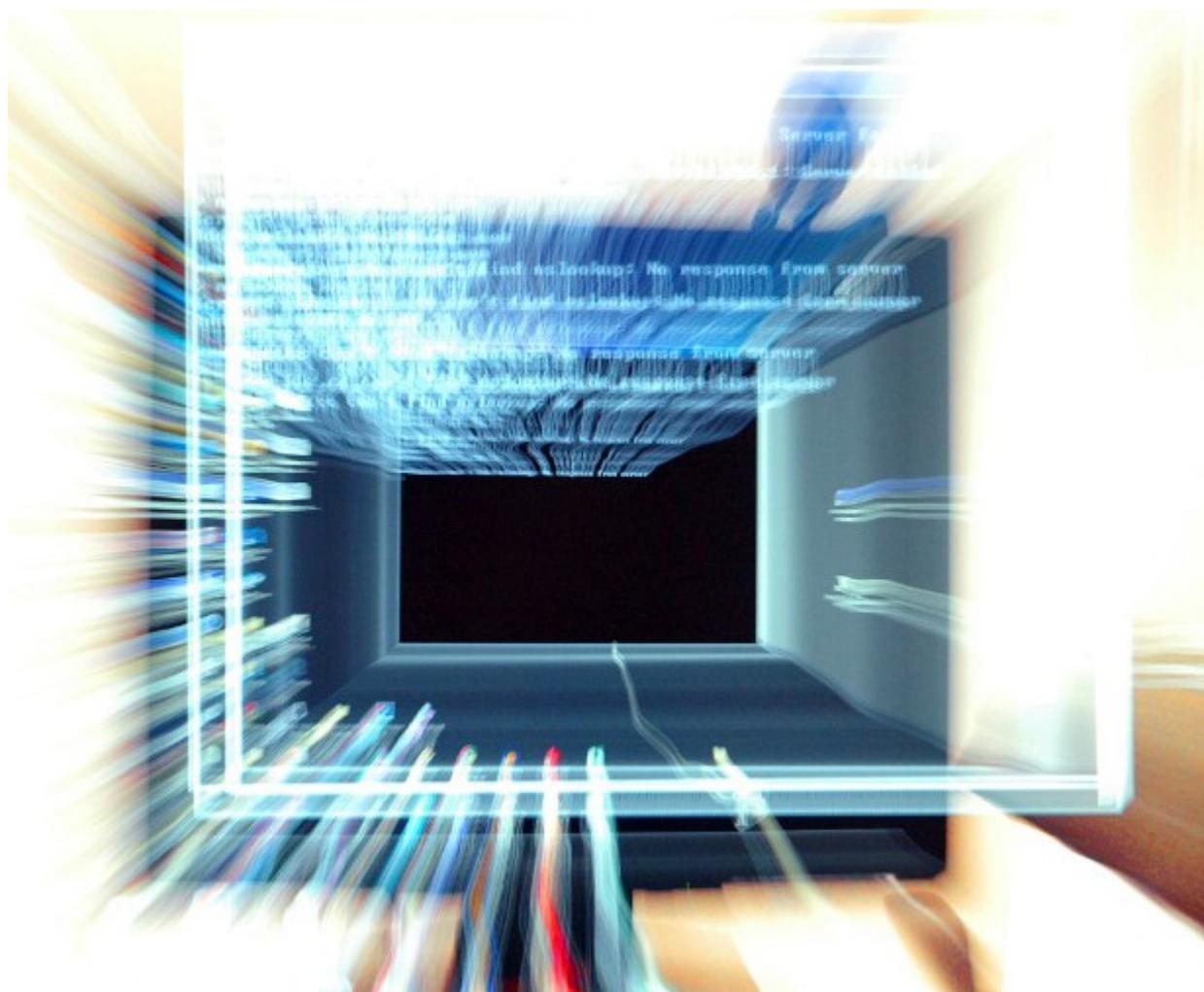# Openforum Academy

Net Neutrality in the EU - Country Factsheets

Report

Net Neutrality in the EU - Country Factsheets

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INTRODUCTION

During the past months the European Union has been trying to give an answer to the debate on net neutrality that is currently ongoing within Europe, which centres on traffic management and what constitutes reasonable traffic management. The goal is to preserve an open internet and to ensure that it can continue to provide high quality services to all and to foster innovation.

Net neutrality is the principle that all traffic going through a network should be treated equally, independent of content, application, service, device, source or target. By ensuring technical intermediaries do not discriminate on this basis, it ensures a true level-playing field to the mutual benefit of Internet users and service providers.

OpenForum Academy (OFA) has conducted a research to determine the situation of the debate in each Member State so that a clear view and some initial conclusions can be established.

METHODOLOGY

This research is based on the gathering of data related to how the net neutrality issues are being handled across Europe. The methods included secondary data analysis, use of existing sources (such as official statements, papers submitted to public consultations and news sources) and approaching official representatives of the EU Member States (although not all of them answered).

The information gathered in the research has been studied so as to answer the following questions for each Member State:

- **Question 1: Has the Member State disclosed an official position on regulating net neutrality?**

  It will be considered "an official position" if a governmental authority or public organisation (e.g. Ministry, governmental representative, NRA, etc) has made public any position on regulating net neutrality in the national legal order of the Member State, regardless of whether the opinion is for or against it.

- **Question 2: Has the Member State envisaged net neutrality in a form different than a law?**

  If the Member State has set up in any form different than a law – e.g. co-regulation, voluntary code of conduct, etc. - the principle of net neutrality. This could mean taking an approach other than or in addition to the legislative measures.

- **Question 3: Has the Member State included net Neutrality in a law or in a legislative proposal?**

  f the Member State has included in its legal order the principle of net neutrality. We are also taking into account those Member States that are planning to include it in a legislative proposal. But we are not including in this question those announcements of legislative proposals for which the process hasn't been launched yet.

- **Question 4: Has the Member State announced any future measures on net neutrality?**

  If any representative of the Government of the Member State has announced a future measure addressing net neutrality (be it a future law or an alternative approach).

Following the chart the answers for the questions and the sources of information in which we based our answer, as well as some additional information that we found relevant, will be shown for every Member State. You will also find the link to the National Regulatory Authority (NRA) of each Member State.

EXECUTIVE SUMMARY

Most European countries have at least adopted an official position on net neutrality, be it by contributing to the European Commission's public consultations or by launching a national debate. Some countries have moved on to providing guidelines for the industry (France, Austria, Denmark) or launched a voluntary code of conduct (United Kingdom).

Some consider that the European regulatory framework for electronic communications is capable of handling network neutrality issues, provided that there is competition in the telecommunications market and together with law enforcement (Czech Republic, Spain) or expect the European Commission to lead, favoring a harmonized approach within the European Union (Ireland, Italy). Belgium has a legislative proposal, Luxembourg's Parliament adopted a motion calling for net neutrality to be enshrined in national legislation and the German Minister of Economy announced a net neutrality law in Germany.

European consultations

- June 2010 [European Commission Consultation 'The open internet and net neutrality in Europe'](European Commission's public consultation 2010);

- October 2011 [BEREC public consultation on its draft Guidelines on Net Neutrality and Transparency](;)

- May – December 2012 BEREC conclusions: [BEREC Guidelines for Quality of Service in the scope of Net Neutrality](,) [BEREC: An assessment of IP-interconnection in the context of Net Neutrality](,) and [BEREC Report on differentiation practices and related competition issues in the scope of net neutrality](;)

- July 2012 [European Commission consultation on "specific aspects of transparency, traffic management and switching in an Open Internet"](.)

COUNTRY FACT SHEET

The chart that follows graphically answers the questions set forth above concerning the situation of net neutrality in each Member State.

Countries	Question 1	Question 2	Question 3	Question 4
Austria	•	•		
Belgium	•		•	
Bulgaria				
Croatia	•			
Cyprus				
Czech Republic	•			
Denmark	•	•		•
Estonia	•			
Finland	•			•
France	•	•		
Germany	•			•
Greece				
Hungary	•			•
Ireland	•			
Italy	•			
Latvia	•			
Lithuania	•			
Luxembourg	•		•	
Malta				•
Netherlands	•		•	
Poland	•			
Portugal	•			
Romania	•			•
Slovakia				
Slovenia	•		•	
Spain	•			•
Sweden	•			
United Kingdom	•	•		

Question 1: Has the Member State disclosed an official position on regulating Net Neutrality?

Question 2: Has the Member State envisaged Net Neutrality in a form different than a law?

Question 3: Has the Member State included Net Neutrality in a law or in a legislative proposal?

Question 4: Has the Member State announced any future measures on Net Neutrality?

Austria

NRA: Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR)

Question 1: RTR's position paper on Net Neutrality (2013). It also participated in the European Commission's Consultation 2010 (RTR's response).

Question 2: RTR has set 7 principles (not necessarily enforceable) as guidelines.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Additional info: Telekom Austria has considered blocking VoIP because it "cannibalizes their revenues" (source: Telecompaper, 2011). Telekom Austria's position in the debate can be explored in their own response to the European Commission's Consultation 2010.

Belgium

NRA: Belgian Institute for Postal services and Telecommunications (BIPT)

Question 1: BIPT issued an opinion in the context of a national debate (2011).

Question 2: No form different than a law.

Question 3: No law, but a Legislative Proposal (2011).

Question 4: No future measures have been announced.

Additional info: Belgian operators' opinion presented before the Belgian Parliament in 2011 clearly states that "Belgian operators do not under any circumstances wish to discriminate in an anti-competitive manner against the services that are offered by third parties (video, VoIP, Messenger and others) in favour of the services that they themselves are offering".

Bulgaria

NRA: Communications Regulation Commission (CRC)

Question 1: No official position.

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Croatia

NRA: Croatian Post and Electronic Communications Agency ([HAKOM](#))

Question 1: The NRA's position is stated in the document [Findings of the Public Consultation on Network Neutrality in Croatia](#) that HAKOM issued after launching a public consultation on [Internet and net neutrality](#) in 2011.

Question 2: No form different than a law.

Question 3: No law, nor proposition of law.

Question 4: No future measures announced. HAKOM's position, as of 2011, considers that, if transparency and market competition are insufficient, then the NRA should step in and consider regulating a minimum Quality of Service for the open broadband Internet (source: [HAKOM](#), 2011).

Additional info: In 2011, it was announced that "It is expected that first measures aimed at preserving Internet neutrality will be adopted in 2012", although no provisions have been adopted as of 2013 (source: [Annual Activity Report of the Croatian Post and Electronic Communications Agency for 2011](#), 2012). The NRA contributed to the development of [HAKOMetar tool](#), used to test the quality of broadband network operators, which could also result in increased transparency and network neutrality.

Cyprus

NRA: Office of Electronic Communications & Postal Regulation ([OCECPR](#))

Question 1: No official position. Cyprus has not launched a public consultation at the national level and there is no official contribution to public consultations at the European level.

Question 2: No form different than a law.

Question 3: No law, nor proposition of law.

Question 4: No future measures announced.

Czech Republic

NRA: The Czech Telecommunication Office ([ČTÚ](#))

Question 1: The Czech Republic's position has been stated in two responses to the European Commission's 2010 public consultation: [ČTÚ's position](#) and the [position of the Ministry of Industry and Trade of the Czech Republic](#).

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced. The NRA's position is that the current EU regulatory framework, together with competition and law enforcement, provides an adequate framework (source: [ČTÚ](#), 2010).

Additional info: Some mobile network operators have considered blocking VoIP traffic but finally they did not realize this intention (source: [ČTÚ](#), 2010).

Denmark

NRAs: The Danish Business Authority (DBA) and the Danish Agency for Digitisation (DAD)

Question 1: The High Speed Committee, which was appointed by the Ministry of Science, Technology and Innovation, has a position on the best framework for the development of broadband infrastructure (source: CESifo DICE Report, 2011).

Question 2: Under the auspices of the Danish Telecommunications Industry Association a variety of telecom and internet service providers and interests and consumer representatives have established a net neutrality forum (NEF) where issues related to net neutrality are discussed. The DBA participates as an observer in NEF and the latter has developed a set of principles on net neutrality in respect of which there is a general consensus among the participants (source: Benjamin Overvad, Head of Section, DBA, 2013).

Question 3: No law nor legislative proposal.

Question 4: No expected regulation (source: Berlingske Media blog, 2013). In Denmark the assumption is that issues on net neutrality can primarily be addressed by market competition supported by transparency and the ability for end-users to easily switch providers (source: Benjamin Overvad, Head of Section, DBA, 2013).

Additional info: The DBA is currently examining what impact may the Commission's proposal of a European single market for European telecommunications have in relation to Danish regulation.

Estonia

NRA: Estonian Competition Authority (ECA)

Question 1: According to the Government's submission to the European Commission's public consultation (2010), the official position is that traffic management should be exceptional, that transparency alone is insufficient and that the open internet should be protected; additionally, a minimum Quality of Service for best-effort, global public Internet should be imposed.

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Additional info: Mobile network operators have declared that they do not currently have a policy of blocking VoIP traffic (source: European Commission country chapter report on Telecommunication Market and Regulatory Developments, 2011).

Finland

NRA: Finnish Communications Regulatory Authority (FICORA)

Question 1: Finland hasn't stated an official position on net neutrality. The country hasn't held a national public consultation nor has there been an official response to the European Commission's Consultation.

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: The Finnish Communications Ministry is working out a law that could allow network operators to limit data flow for competing offers (source: euro|topics, 2013).

Additional info: Since July 2010, Finland includes broadband (1 Mbit) as a universal service, thus making it a legal right for all citizens (source: BBC news, 2010). This could be seen as an approach to net neutrality (source: Chris Marsden, 2013). Although Finland didn't issue a governmental response to the European Commission's 2010 public consultation on net neutrality, other stakeholders did; see Ulf Grindgärds's response.

France

NRA: Autorité de Régulation des Communications Électroniques et des Postes (ARCEP)

Question 1: Acting on a mandate from Government Minister, the French advisory committee Conseil National du Numérique issued an opinion calling for an urgent incorporation of the net neutrality principle into the French legislation (2013). The Committee on Economic Affairs (which belongs to the French Parliament) published a report (2011) in support of adopting legislative measures. ARCEP issued recommendations in the form of "Ten Proposals" (2010). The French authorities also participated in the European Commission's 2010 public consultation on net neutrality (see their contribution here). Additionally, there has been a national debate led by ARCEP, including a symposium (2010), the report (2010) and various public consultations: the 2010 consultation (see contributions) and two new consultations (2011) on quality of Internet access and the collection of data.

Question 2: ARCEP's "Ten Proposals" constitute a set of guidelines for both the Internet service providers and the regulator; they are not enforceable and it is not a voluntary code signed by the operators.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Additional info: According to EDRI, there are limits on the speed of peer-to-peer, file-sharing or video streaming in France (2011). A questionnaire to users in 2012 revealed that FREE users were having trouble accessing YouTube; ARCEP investigated and found no discriminatory practices. SFR has been accused of modifying HTML code in webpages over 3G (source: ZDNet, 2013). France Telecom has admitted to being paid by Google to deliver traffic (source: The Register, 2013). For more information on the opinion of French operators, see their responses to the European Commission's 2010 public consultation on net neutrality: Bouygues Telecom, FREE, Orange and SFR.

Germany

NRA: Bundesnetzagentur (BNA)

Question 1: "Guaranteeing non-discrimination in future networks" is stated in the ICT Strategy of the German Federal Government: Digital Germany 2015 (2010). The Federal Ministry of Economics and Technology participated in the European Commission's 2010 public consultation on net neutrality.

Question 2: No form different than a law.

Question 3: No law nor legislative proposal. However, under a recently added section in the

Telecommunications Act, the federal government can establish this principle by means of a statutory order (sources: European Audiovisual Observatory, Council of Europe, 2012; German Telecommunications Act 41a, 2012).

Question 4: German Minister announced a net neutrality law (source: Chris Marsden's blog, 2013).

Additional info: Deutsche Telekom announced that traffic from the carrier's own T-Entertain service would have a preferential treatment (source: Deutsche Telekom's website, 2013). Previously, Deutsche Telekom had announced plans to block access to Skype for iPhone (source: Ars Technica news, 2009). BNA launched a study on the quality of Internet access (2013). For more information on the opinion of German operators, see their responses to the European Commission's 2010 public consultation on net neutrality: Deutsche Telekom, NetCologne and QSC.

Greece

NRA: Hellenic Telecommunications and Post Commission (EETT)

Question 1: No official position.

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Additional info: According to EDRI, there are limits on the speed of peer-to-peer, file-sharing or video streaming in Greece. As of 2009, according to Prof. Nicholas Economides (Stern School of Business, New York University), Internet growth in Greece would benefit from having net neutrality be ensured by a strong NRA.

Hungary

NRA: National Media and Infocommunication Authority (NMHH)

Question 1: NMHH launched a public consultation in 2012. A roadmap is included with envisages further consultations and formal decisions, as well as references to the context of the European Framework.

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: The Electronic Communications Act has requirements on transparency (source: European Audiovisual Observatory, Council of Europe, 2013). It is being studied how well current legislation can tackle net neutrality breaches.

Additional info: According to EDRI, there are limits on the speed of peer-to-peer, file-sharing or video streaming in Hungary.

Ireland

NRA: Commission for Communications Regulation (ComReg)

Question 1: Ireland has stated its position on net neutrality in the Regulatory Framework for Next Generation Voice Services, favouring the option of waiting for a harmonized approach at the EU

level. Meanwhile, it recommends "that ComReg continue to monitor the market situation" and that "intervention should only be necessary in the case of critical failure".

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Additional info: The largest telecommunications operator, Eircom Group Ltd., submitted a response to the European Commission's 2010 public consultation on net neutrality.

Italy

NRA: Autorità per le Garanzie nelle Comunicazioni (AGCOM)

Question 1: Italy issued an official position in response to the European Commission's 2010 public consultation and has continued to involve national stakeholders through public consultations with the intention to continue to contribute to the European debate (source: Portolano Colella Cavallo Studio Legale, 2011).

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Additional info: AGCOM launched a fact-finding survey. As of 2010, several violations of the net neutrality principle had been reported: voice over IP service traffic-often blocked by 3G mobile operators and repeated instances of use of filters at the expense of peer to peer data exchange in order to facilitate better network performance to subscribers and optimize the use of bandwidth during peak hours (source: Italian response to the European Commission's 2010 public consultation). In 2011 Telecom Italia announced that it would adopt a bandwidth management and traffic-shaping system; it would limit the connection speed for peer-to-peer and file-sharing but not for VoIP applications (source: WebMasterPoint news, 2011). For more information on the Italian stakeholders' positions, see these contributions to the European Commission's 2010 public consultation: Mediaset, PosteMobile, WIND and Telecom Italia. Also in 2011 Senator Alessio Butti presented a bill to Parliament to promote the development of broadband services under a three-year investment programme and to ensure transparency for consumers in respect of internet access (source: Portolano Colella Cavallo Studio Legale, 2011).

Latvia

NRA: Elektronisko sakaru direkcija (VAS)

Question 1: As of 2009, net neutrality was not reported to be an issue in Latvia (source: European Commission's annual report on Latvia, 2009).

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Additional info: The regulator in Latvia issued a directive that requires transparency, but no specific provisions for net neutrality (source: ZDF net neutrality map).

Lithuania

NRA: Communications Regulatory Authority ([RRT](#))

Question 1: According to RRT [Annual Report 2011](#), the NRA provided its opinion on net neutrality in the EU committees and to the states institution in different EU bodies.

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Additional info: [According to EDRI](#), there are limits on the speed of peer-to-peer, file-sharing or video streaming in Lithuania. RRT [contributed to an ITU consultation](#) (2013) showing awareness and declaring the intention to continue analysis and monitoring of traffic management activities and market trends.

Luxembourg

NRA: Institut Luxembourgeois de Régulation ([ILR](#))

Question 1: The Government [responded](#) to the European Commission's 2010 public consultation on net neutrality.

Question 2: No form different than a law.

Question 3: Parliament adopted a motion calling for net neutrality to be enshrined in national legislation in June 2013 (source: [New Europe](#), 2013).

Question 4: No other future measures announced.

Malta

NRA: Malta Communications Authority ([MCA](#))

Question 1: No official position.

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: MCA will embark on the development of a policy on net neutrality, taking into consideration the BEREC guidelines and the European Commission Recommendation (source: [Malta Communications Authority Annual Plan 2013](#), 2013).

Netherlands

NRA: Autoriteit Consument & Markt ([ACM](#))

Question 1: Official position on net neutrality already enshrined in law (see [Article 7.4a in the Dutch Telecommunications Act](#)). The Netherlands had previously stated its position by [participating](#) in the European Commission's 2010 public consultation.

Question 2: No form different than a law.

Question 3: In 2012 the Netherlands adopted a legislative proposal amending the

Telecommunicatiewet (Telecommunications Act), thereby laying down the principle of net neutrality in Dutch law (source: European Audiovisual Observatory, Council of Europe, 2012).

Question 4: No future measures announced.

Additional info: Prior to the net neutrality law, KPN (which used to be the publicly owned fixed-line operator of the Netherlands) had decided to block certain traffic (namely, VoIP and/or messaging services) or impose a surcharge for access (source: Ars Technica, 2011).

Poland

NRA: Office of Electronic Communications (UKE)

Question 1: UKE is leading the debate on net neutrality and has launched a consultation "The Internet Value Chain and potential market models" (2011). While the Polish Presidency very much steered discussions on net neutrality in the European Council, national discussions organised by UKE have not yet been conclusive (source: European Commission report on Poland's Telecommunication Market and Regulatory Developments, 2012).

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Portugal

NRA: Autoridade Nacional de Comunicações (ANACOM)

Question 1: Portugal sent a response to the European Commission's 2010 public consultation on net neutrality.

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Additional info: To learn about other Portuguese stakeholders' positions, see their responses to the European Commission's 2010 public consultation on net neutrality: Onitelcom and Optimus.

Romania

NRA: National Authority for Management and Regulation in Communications of Romania (ANCOM)

Question 1: ANCOM organized the event "Quest for Sustainable Internet" (2012) and engaged all stakeholders (representatives of the communications companies, regulatory authorities, consumers and entities protecting the civil rights) in the debate on net neutrality (source: Infinity World Group, 2012).

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: New measures announced on net neutrality, mainly aimed at increasing transparency

(source: ANCOM, 2013).

Slovak Republic

NRA: Telecommunications Regulatory Authority of the Slovak Republic (TUSR)

Question 1: No official position.

Question 2: No form different than law.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Additional info: Mobile operators do not appear to apply restrictions for access to VoIP services over their networks (source: Report on the single European electronic communications market, 2010).

Slovenia

NRA: Post and Electronic Communications Agency of the Republic of Slovenia (APEK)

Question 1: Official position on net neutrality already enshrined in law.

Question 2: No form different than law.

Question 3: Since the beginning of 2013 a new law governing electronic communications is in effect in Slovenia (ZEKom-1). Article 203 of said law explicitly requires net neutrality (see unofficial translation of Article 203, Electronic Communications Act.)

Question 4: No future measures announced.

Additional info: The law not only deals with transparency, negative differentiation and positive differentiation; it also addresses issues such as data caps and compulsory bundles and is thus more comprehensive than other laws on net neutrality (source: Chris Marsden, 2013).

Spain

NRA: Comisión del Mercado de las Telecomunicaciones (CMT)

Question 1: The Spanish Government issued a response to the European Commission's 2010 public consultation on net neutrality. Prior to that, the NRA had launched in 2007 a public consultation on Next Generation Access Networks that included one question on net neutrality.

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: Most recent Governmental plans do not include net neutrality.

Additional info: There have been proposals to include provisions on net neutrality and even a statement from the Senate in 2010 urging compliance of the net neutrality principle (source: Bitelia, 2010). To learn about other Spanish stakeholders' positions, see their responses to the European Commission's 2010 public consultation on net neutrality: Redtel and Telefónica.

Sweden

NRA: Swedish Post and Telecom Authority ([PTS](#))

Question 1: PTS established in 2009 its position on net neutrality, namely that it would "refrain from taking action [..] unless absolutely necessary" (source: [PTS Memorandum on Net Neutrality](#), 2009). The Swedish Government [contributed](#) to the European Commission's 2010 public consultation on net neutrality.

Question 2: No form different than a law.

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Additional info: Although TeliaSonera announced plans to "start exploring new business models" (source: [TeliaSonera](#), 2009) by charging for VoIP calls over their data, the heavy criticism (activists, customers) forced TeliaSonera to back down from implementing that fee (source: [Artic Startup](#), 2012). Operators, regulators, policymakers as well as consumer and civil society representatives took part in the national debate led by the NRA. Additionally, Swedish stakeholders' positions can be explored in their responses to the European Commission's 2010 public consultation on net neutrality: [Teliasonera](#), [Com Hem](#) and [Tele2](#).

United Kingdom

NRA: The Office of Communications ([Ofcom](#))

Question 1: Ofcom has an [official position](#) (2011), and [update](#) (2012). There was an official [contribution](#) by the Government of the United Kingdom to the European Commission's 2010 public consultation on net neutrality.

Question 2: The industry, led by Ofcom, has worked on a [Voluntary Code of Practice](#) focused on transparency (2010).

Question 3: No law nor legislative proposal.

Question 4: No future measures announced.

Additional info: In 2010, Ofcom launched a [public consultation](#) on Traffic Management and 'Net Neutrality' and started an open discussion with all stakeholders. Prior to the Voluntary Code of Practice, BT had been accused of blocking iPlayer (source: [BBC news](#), 2009). UK stakeholders' positions can be explored in their responses to the European Commission's 2010 public consultation on net neutrality: [BT](#), [Level 3](#), [TalkTalk](#), [Virgin Media](#) and [Vodafone](#).