



EUROPEAN PARLIAMENT

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*Committee on Industry, Research and Energy*

# **COMPROMISE AMENDMENTS**

## **1 - 11**

**Draft motion for a resolution**  
**Herbert Reul**  
(PE472.008v01-00)

on the open internet and net neutrality in Europe

## **Compromise amendment 1**

### **Draft motion for a resolution**

#### **Recital D a (new)**

Proposes a compromise for AMs 3 (Kammerevert, Groote), 4 (Audy, Franco), 5 (Trautmann), 9 (Tzavela) and 10 (Belet)

*Da. whereas the Internet's open character has been a key driver of competitiveness, economic growth, social development and innovation which has led to spectacular levels of development in online applications, content and services and thus of growth in the offer and the demand of content and services; has made it a vitally important accelerator in the free circulation of knowledge, ideas and information, including in countries where there is limited access to independent media,*

## **Compromise amendment 2**

### **Draft motion for a resolution**

#### **Paragraph 4**

Proposes a compromise for AMs 28 (Tzavela) and 29 (Trautmann)

4. Calls on *the Commission*, the Member States *and BEREC* to ensure consistency in the approach on net neutrality and effective implementation of the *EU Telecom regulatory framework*;

## **Compromise amendment 3**

### **Draft motion for a resolution**

#### **Paragraph 5**

Proposes a compromise for AMs 21 (Trautmann), 30 (van Nistelrooij) and 31 (Tsoukalas) and 32 (Kammerevert, Groote)

5. Emphasizes that any solution proposed on the issue of net neutrality *can be effective only through a consistent European approach; therefore asks the Commission to closely follow the adoption of any national regulations related to net neutrality, in terms of the effects on the respective national market as well as on the Internal Market; considers it would benefit all stakeholders if the Commission were to provide EU-wide guidelines, including with regard to the mobile market, to ensure that the provisions of the Telecoms package on net neutrality are properly and consistently applied and enforced;*

#### **Compromise amendment 4**

##### **Draft motion for a resolution**

##### **Paragraph 8**

Proposes a compromise for AMs 42 (Verheyen), 43 (Trautmann), 44 (Lamberts)

8. Draws the attention to the *serious risks of* departing from network neutrality such as anticompetitive behaviour, blockage of innovation, restriction on freedom of expression *and on media pluralism*, lack of consumer awareness and infringement of privacy *which will be detrimental to* businesses, to consumers and *the democratic* society as *a whole and recalls the opinion of the EDPS on the impact of traffic management practices on the confidentiality of communications*;

#### **Compromise amendment 5**

##### **Draft motion for a resolution**

##### **Paragraph 10**

Proposes a compromise for AMs 50 (Trautmann), 51 (Lamberts), 52 (Schaatje), 53 (Hall), 54 (Rohde, Ek - identical to AM 53) and 55 (Toia)

10. Considers *that effective competition in electronic communication services*, transparency *on traffic management and* quality of service as well as ease of switching *are among the minimum* necessary conditions *for* net neutrality, assuring end-users of freedom of choice and requests;

#### **Compromise amendment 6**

##### **Draft motion for a resolution**

##### **Paragraph 1**

Proposes a compromise for AMs 12 (Verheyen), 13 (Trautmann) and IMCO paragraph 1

1. Welcomes the Commission's Communication and agrees with its analysis, in particular on the *necessity to preserve* the open and neutral character of the internet *as a key driver of innovation and consumer demand while ensuring that the internet can continue to provide high-quality services in a framework that promotes and respects fundamental rights*;

## **Compromise amendment 7**

### **Draft motion for a resolution**

#### **Paragraph 2**

Proposes a compromise for AMs 20 (Niebler), 22 (Audy, Franco), 23 (Belet), 25 (Rohde, Ek)

*2. Notes that the conclusions of the Commission's Communication indicate that there is at this stage no clear need for additional regulatory intervention on net neutrality on the European level;*

#### **Paragraph 2a (new)**

*2a. Points however to the potential for anti-competitive and discriminatory behaviour in traffic management in particular by vertically integrated companies; welcomes the Commission's intention to publish the evidence emerging from BEREC's investigations into practices potentially affecting net neutrality in Member States;*

## **Compromise amendment 8**

### **Draft motion for a resolution**

#### **Paragraph 3 a (new)**

Proposes a compromise for AMs 11 (Belet, Niebler), 14 (Kammerevert, Groote), (26 (Rohde, Ek), 27 (Gyürk), 48 (Trautmann), 49 (Trautmann), 59 (Hadjigeorgiou), 62 (Lamberts), 73 (Belet) and IMCO paragraph 5

*3a. Calls on the Commission, together with BEREC in cooperation with Member States to closely monitor the development of traffic management practices and interconnection agreements, in particular related to blocking and throttling of or excessive price for VoIP and file sharing, as well as to anticompetitive behaviour and excessive degradation of quality as required by the Telecom regulatory framework and calls on the Commission consequently to guard that Internet Service Providers do not block, discriminate against, impair, or degrade the ability of any person to use a service to access, use, send, post, receive, or offer any content, application, or service of their choice irrespective of source or target;*

*3b Asks the Commission to provide the European Parliament with information on current traffic management practices, the interconnection market and network congestion as well as any relation to lack of investments; calls on the Commission to further analyse the issue of "device neutrality";*

## **Compromise amendment 9**

### **Draft motion for a resolution**

#### **Paragraph 11**

Proposes a compromise for AMs 41 (Belet), 56 (Tsoukalas), 63 (Audy, Franco), 64 (Rohde, Ek), 65 (Kammerevert, Groote), 66 (Tzavela), 67 (Trautmann), 68 (Toia), 69 (Hall - identical to 68), 70 (Niebler), 71 (Tsoukalas) and 72 (van Nistelrooij)

11. Asks the Commission to *ensure the consistent application and enforcement of the existing EU regulatory framework for communications and to assess within six months after the publication of the findings of BEREC's investigation whether further regulatory measures are needed in order to ensure freedom of expression freedom of access to information*, freedom of choice for consumers *and media-pluralism as well as to achieve effective competition, innovation, facilitate wide-ranging benefits for citizens, business and public administration uses of the Internet and* underlines that any European regulatory proposal in the area of net neutrality should be subject to an impact assessment;

## **Compromise amendment 10**

### **Draft motion for a resolution**

#### **Paragraph 7**

Proposes a compromise for AMs 15 (Kammerevert, Groote), 33 (Enciu), 35 (Trautmann), 36 (Rohde, Ek), 37 (Tsoukalas), 38 (Niebler), 39 (Tzavela), 40 (van Nistelrooij), 60 (Hadjigeorgiou) and IMCO paragraphs 2, 3 and 6

7. Recognises that reasonable traffic management is required to ensure that the end user's connectivity is not disrupted by network congestion; *in this context operators may, subject to NRAs scrutiny, use procedures to measure and shape Internet traffic in order to maintain networks' functional capacity and stability and to meet quality of service requirements; urges the competent national authorities to use their full powers under the Universal Services Directive to impose minimum QoS standards and believes that ensuring quality in time-critical service traffic shall not be an argument for abandoning the best-effort principle;*

Calls for transparency in traffic management *including better information for end-users and stresses the need to enable consumers to make informed choices and to be effectively able to switch to a new provider that can best suit their needs and preferences including the speed and volume of downloads and services and recalls to this regard the importance of providing consumers with clear, effective, meaningful and comparable information on all concerned commercial practices with equivalent effect in particular on mobile internet;*

## **Compromise amendment 11**

### **Draft motion for a resolution**

#### **Paragraph 7a (new)**

Proposes a compromise for AMs 16-17 (Kammerevert, Groote), 34 (Trautmann), 58 (Belet), 36 (Ek, Rohde)

*7a. Urges the competent national authorities to ensure that traffic management interventions do not involve anti-competitive or harmful discrimination; believes specialised [or managed] services should not be detrimental to the safeguard of a robust "best effort" internet access, thus fostering innovation and freedom of expression, ensuring competition and avoiding a new digital divide.*