



## Questionnaire on traffic management

### *Attn: providers of electronic communication services*

BEREC and the European Commission are currently cooperating in looking into traffic management practices by providers of electronic communications services. This inquiry came about following a request from the Commission addressed to BEREC, requesting information regarding several aspects closely related to the debate on net neutrality. In particular, the Commission was interested in having more specific information on market situations regarding blocking or hindering of applications, and throttling or degrading of traffic.

In the conclusions of its Communication on the open internet and Net Neutrality of 19 April<sup>1</sup>, the Commission indicated that the evidence found by BEREC would serve as a basis for assessing the potential need for additional guidance on net neutrality.

BEREC has been actively monitoring recent market developments after its response<sup>2</sup> to the Commission's consultation on net neutrality held during 2010. As regards the fact-finding exercise, it has been concluded that the direct input from stakeholders is necessary to achieve the desired results. In particular, such an inquiry will provide insights into the variety of conditions associated with network management, and how they affect users' experience, as well as into the application of the relevant provisions of the EU regulatory framework for electronic communications following the 2009 reforms.

BEREC and the Commission have requested National Regulatory Authorities to address this letter and the accompanying questionnaire to various network operators and electronic communications providers. Your co-operation in providing this information is being requested pursuant to Article 5 of the Framework Directive.

Your responses will form the basis for a synthesis on traffic management practices from BEREC to the Commission, for the latter to conduct an assessment. Therefore, on the basis of the above, you are requested to complete the attached questionnaire (detailed instructions are included for this purpose). Answers should be submitted **by 20 January 2012** to the National Regulatory Authority that has sent you the questionnaire.

Chris Fonteijn  
BEREC  
Chairman

Robert Madelin  
European Commission  
Director-General for Information Society and Media

2 December 2011

<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011DC0222:EN:NOT>

<sup>2</sup> [http://berec.europa.eu/doc/berec/bor\\_10\\_42.pdf](http://berec.europa.eu/doc/berec/bor_10_42.pdf)



## **Questionnaire on traffic management** ***Attn: National Regulatory Authorities***

### **Background**

BEREC and the European Commission are starting cooperation to look into traffic management practices by providers of electronic communications services. This inquiry was initiated after demands from the Commission addressed to BEREC, requesting information regarding several aspects closely related to the debate on net neutrality. In particular, the Commission was interested in having more specific information on market situations regarding blocking or hindering of applications, and throttling or degrading of traffic.

In the conclusions of its Communication on the open internet and Net Neutrality of 19 April, the Commission indicated that the evidence found by BEREC would serve as a basis for assessing the potential need of additional guidance on net neutrality.

After the demands of the Commission, a first data collection exercise was launched among NRAs, the results of which were sent to the Commission in July. After assessment of its results, it was decided to launch a common and more comprehensive fact finding exercise. As regards the fact-finding objective, it has been concluded that the direct input from the stakeholders was necessary to achieve the desired outcome. In particular, a large scope inquiry may provide some insight on the variety of conditions associated with network management, and how they affect users' experience.

A questionnaire has been elaborated by the BEREC task force and representatives from the Commission. It has been validated within both BEREC and the Commission. It is intended to be both:

- sent to significant operators of each member state by the NRAs, together with a cover letter signed jointly by BEREC and the Commission ;
- published and advertised on the website of the Commission, for any other stakeholder to provide elements if willing to do so.

### **Role of NRAs**

Each National Regulatory Authority is expected to:

- identify the most significant providers of electronic communications services in its country; in this respect:
  - o NRAs are given latitude to define a scope encompassing a reasonable number of operators. It is suggested that they consider, at least, the operators which together represent 90% of end-users on both fixed and mobile markets;

- the model used for choosing which operators that will receive the questionnaire must be transparent, fair and competition neutral;
- formally send to these operators the questionnaire (as a modifiable ".xls" file), the accompanying instructions and the cover letter from BEREC and the Commission, by December 14, 2011;
- by the same date, report to the BEREC Office and provide it with the list of these operators;
- collect the responses sent by operators and forward them to the BEREC Office ([pm@berec.europa.eu](mailto:pm@berec.europa.eu)) by January 23, 2012.

This letter provides the needed components of a reasoned request made by the Commission and BEREC to NRAs, who can therefore, based on the provisions of Article 5, act as agents for the Commission / BEREC for the purpose of this inquiry.



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