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## PRESS RELEASE

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### **Political deal on net neutrality leaves many questions unanswered**

On June 30, the European co-legislators agreed to a provisional deal on the text of a Regulation aimed at guaranteeing open Internet access and eliminating mobile phone roaming charges throughout the EU.

The compromise reached on net neutrality will improve the current situation in several key areas:

- Blocking and throttling of specific content by Internet Service Providers will be made explicitly unlawful. Although this could easily be taken for granted (as it was part of the initial Commission's proposal and was never put into question in the negotiations), nevertheless it is an important step forward.
- A strong principle has been enacted that the provision of "specialised services" can neither be sold as a substitute for open Internet access, nor affect the "general" quality of Internet access.

This is undeniably progress - and we must welcome the European co-legislators for achieving a consensus after a [long period of deadlock](#). It does, however, leave a number of issues unresolved. The legal guarantees provided to functionally separate "specialised services" from the open part of the network appear very vague and will largely be left to the interpretation of the various national regulatory authorities, which is likely to spur more debate. The new set of rules also does not clarify the legality of some controversial network management practices used by Internet Service Providers, such as positive price discrimination (also known as zero-rating). It is also unclear how this new framework will affect existing national laws with stronger provisions on net neutrality (e.g. in the Netherlands).

“This may prove to be an important step forward for net neutrality in Europe”, said Graham Taylor, CEO of OpenForum Europe, adding that “unfortunately, many of the questions that were raised throughout the debate still seem to be up in the air. That is a substantial disappointment and could prove a serious setback to the ambitions of the Digital Single Market”. The wording of the recitals remains to be finalised. Now that the negotiators have reached an in-principle agreement through the three-way negotiations, the details will need to be fine-tuned and approved formally by each party.

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