

Explanatory Memorandum
to the Decision of the Management Committee of the Office of the
Body of European Regulators for Electronic Communications
(BEREC Office) on the purchase of a study on Net Neutrality
(MC/2016/13)

7 October 2016

The net neutrality debate has had a strong transnational dimension and has regularly sprung from one continent to the other. As a result of this intense debate, regulations and decisions regarding net neutrality have been issued by public authorities in different regions of the world.

Now that these newly issued net neutrality rules have to be applied and enforced in their respective legal environment, observers will most likely continue to draw comparisons between the various NN regulations. There is a risk that such comparisons, if not based on a thorough understanding of the specificities of the legal and institutional context in which these regulations have been adopted and will be implemented, would lead to misinterpretations and erroneous conclusions. Moreover, BEREC believes it would be pointless to try to determine whether it is the US or EU framework, which have both just been adopted after extensive public debates, which is the more “neutral”, or more “pro-operator”. But BEREC is confident that a study would, on the contrary, provide an impartial approach that could both contribute to an informed public debate and constitute a precious source of information for NRAs and BEREC in the course of the implementation of the EU regulation 2015/2120 complemented by the guidelines that will soon be issued by BEREC.