



## PRESS RELEASE

### Joint Statement from the Commission and BEREC on net neutrality during the current critical period

**19 March 2020 – The Body of the European Regulators for Electronic Communications (BEREC) and the European Commission (EC) have issued a [joint statement](#) on how to cope with the increased traffic load due to the Covid-19 pandemic with regards to the net neutrality rules.**

Today, BEREC and EC have issued a statement regarding possible future problems with network capacity. Since the measures to limit physical interactions imply increased volumes of Internet activities such as online teaching or working from home, the demand for connection and transmission capacity has increased.

Even though the increase in data transmission has not led to general a network congestion, the demands on data traffic keep increasing.

According to the statement, telecom operators, content and application providers as well as the end users can contribute to a smooth functioning of the Internet during this critical period.

Thus, BEREC and EC encourage people to use the Internet responsibly, mainly to use such settings which reduce data consumption. The content and application providers are also asked to cooperate with telecom operators and to consider temporarily adapting the throughput of video streaming.

However, BEREC and EC confirmed that they remain fully committed to enforce the Open Internet Access provisions of [Regulation \(EU\) 2015/2120](#), which in principle prohibit operators from blocking, slowing down or prioritising network traffic in cases other than exceptional or reasonable.

Pursuant to the Regulation, such measures may be done even in the case of impending network congestion and to mitigate the effects of exceptional or temporary network congestion, always under the condition that equivalent categories of traffic are treated equally. This is also relevant in the current situation, when operators can avail themselves of this exception if such measures are necessary to solve or to prevent the congestion and they can only be maintained for as long as necessary.



***The statement summarises what needs to be done in case of (impending) network congestion:***

Being an exception to the general principle of the Open Internet Regulation, the traffic management measures must be interpreted restrictively. Operators should therefore consider:

- If the levels of traffic are very high compared to a similar reference period and if absent envisaged measures the users would be negatively affected by the congestion;
- If the congestion is exceptional, i.e., even when applying the highest standards of network management result in unpredictable and unavoidable situations;
- If the envisaged measures are proportionate to the problem observed, limited in time to the strict necessary and equal for the equivalent categories of traffic.

BEREC and EC will continue to monitor and assess the situation.

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