

## **Citizens rights amendments – Parts I, II and III**

### **Ensuring that Internet users rights are protected in the Telecoms Package**

#### **Part I**

#### **Guarantees for Internet users rights**

27.04.2009

A6-0272/1

**Amendment 1**

**Eva-Britt Svensson**

on behalf of the GUE/NGL Group

**Recommendation for second reading**

**A6-0272/2009**

**Catherine Trautmann**

Electronic communications networks and services  
16496/1/2008 – C6 0066/2009 – 2007/0247(COD)

Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services

**Council common position – amending act**

**Article 1 - Point 8 fb (new)**

Directive 2002/21/EC

Article 8 - paragraph 4 - point fb (new)

*Council common position*

*Amendment by Parliament*

***(fb) applying the principle that no restriction may be imposed on the fundamental rights and freedoms of end-users without a prior ruling of the judicial authorities, notably in accordance with Article 11 of the Charter of Fundamental Rights of the European Union on freedom of expression and information, save when public security is threatened, in which case the ruling may be subsequent.***

Or. en

*Justification*

*The amendment restores Article 8 paragraph 4 point (ga) of Directive 2002/21/EC adopted in first reading (Amendment 138). It intends to ensure that restrictions to the right to freedom of expression and information as provided in Article 11 of the Charter of Fundamental Rights of the European Union will not be imposed without a prior ruling of the judicial authorities [and unless it is absolutely necessary and justified by the relevant principles and rules of law]. The amendment aims to strike the right balance between the fundamental rights of end-users and others, as well as the protection of public safety and security.*

27.04.2009

A6-0257/1

**Amendment 2**

**Eva-Britt Svensson**

on behalf of the GUE/NGL Group

**Recommendation for second reading**

**A6-0257/2009**

**Malcolm Harbour**

Electronic communications networks and services, protection of privacy and consumer protection

16497/1/2008 – C6 0068/2009 – 2007/0248(COD)

Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks

**Council common position – amending act**

**Article 1 - point 21b (new)**

Directive 2002/22/EC

Article 32a (new)

*Council common position*

*Amendment by Parliament*

**Access to content, services and applications**

*Member States shall ensure that any restrictions on the rights of users to access content, services and applications, if such restrictions are necessary, are implemented by appropriate measures, in accordance with the principles of proportionality, effectiveness and dissuasiveness. Those measures shall not have the effect of hindering the development of the information society, in compliance with Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)\*, and shall not conflict with the fundamental rights of citizens, including the right to privacy and the right to due process.*

Or. en

### *Justification*

*The amendment restores Article 32a of Directive 2002/22/EC adopted in first reading (Amendment 166). The amendment aims to ensure that end-users of electronic communications services will be able to access content, services, and applications without being unduly restricted. It intends to strike the right balance between the right of end-users to freedom of expression, and their right to privacy and protection to personal data, and the rights and freedoms of others, including the right to the protection of intellectual property, and the protection of public safety and security.*

27.04.2009

A6-0272/2

**Amendment 3**

**Eva-Britt Svensson**

on behalf of the GUE/NGL Group

**Recommendation for second reading**

**A6-0272/2009**

**Catherine Trautmann**

Electronic communications networks and services  
16496/1/2008 – C6 0066/2009 – 2007/0247(COD)

Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services

**Council common position – amending act**

**Article 1 - Point 8 fa (new)**

Directive 2002/21/EC

Article 8 - paragraph 4 - point fa (new)

*Council common position*

*Amendment by Parliament*

***(fa) applying the principle that endusers should be able to access and distribute any content and use any applications and/or services of their choice in accordance with the relevant rules of Community law and the national substantive and procedural law;***

Or. en

*Justification*

*The amendment supports the principle of a balanced approach in protecting sufficiently end-users' rights and freedoms and the rights and freedoms of others, including the right to intellectual property protection and the right to privacy, in accordance with the principle on which Article 8 paragraph 4 point (ga) of Directive 2002/21/EC adopted in first reading (Amendment 138) is based. It restores the core principles of Article 8 paragraph 4 point (g) of Directive 2002/21/EC adopted in first reading (Amendment 61), while ensuring consistency with the principle of Amendment 138, which aims to guarantee that end-users should be able to access any content, application, or service of their choice, pursuant to their fundamental right to freedom of expression and information. It also intends to ensure that those rights are exercised under the conditions and within the limits defined by the Charter of Fundamental Rights of the European Union and by the relevant rules and principles of Community and national law.*

## **Citizens rights amendments**

### **Part II**

#### **Removing copyright co-operation**

27.04.2009

A6-0257/2

**Amendment 4**

**Eva-Britt Svensson**

on behalf of the GUE/NGL Group

**Recommendation for second reading**

**A6-0257/2009**

**Malcolm Harbour**

Electronic communications networks and services, protection of privacy and consumer protection

16497/1/2008 – C6 0068/2009 – 2007/0248(COD)

Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks

**Council common position – amending act**

**Recital 39**

*Council common position*

In order to overcome existing shortcomings in terms of consumer consultation and to appropriately address the interests of citizens, Member States should put in place an appropriate consultation mechanism. Such a mechanism could take the form of a body which would, independently of the national regulatory authority and service providers, carry out research into consumer-related issues, such as consumer behaviour and mechanisms for changing suppliers, and which would operate in a transparent manner and contribute to the existing mechanisms for stakeholder consultation. **Furthermore, a mechanism could be established for the purpose of enabling appropriate cooperation on issues relating to the promotion of lawful content. Any cooperation procedures agreed pursuant to such a mechanism should, however, not allow for the systematic surveillance of internet usage.**

*Amendment by Parliament*

*In order to overcome existing shortcomings in terms of consumer consultation and to appropriately address the interests of citizens, Member States should put in place an appropriate consultation mechanism. Such a mechanism could take the form of a body which would, independently of the national regulatory authority and service providers, carry out research into consumer-related issues, such as consumer behaviour and mechanisms for changing suppliers, and which would operate in a transparent manner and contribute to the existing mechanisms for stakeholder consultation.*

Or. en

### *Justification*

*The amendment is in line with Article 32a of Directive 2002/22/EC adopted in first reading (Amendment 166). Any mechanism for the purpose of the promotion of lawful content does not fall within the scope of Directive 2002/22/EC. Any restrictions to the rights of users to access content, services, and applications should be implemented only if they are absolutely necessary and are implemented by appropriate measures, in accordance with the principles of proportionality, effectiveness and dissuasiveness. Such measures should not conflict with the fundamental rights of citizens, including the right to privacy, the right to freedom of expression and the right to due process.*

*Directive 2002/22/EC aims to protect users' right to use electronic communications services to access all content, services, and applications of their choice, and to provide the regulatory framework to facilitate such access recognised as a fundamental right by Community and national laws, including in particular Article 11 of the Charter of Fundamental Rights of the European Rights, without imposing unjustified and unnecessary restrictions to the right to such access.*

*Any mechanism for the purpose of the promotion of lawful content should fall solely within the scope of the relevant rules of Community and national and national substantive and procedural law, including Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, and Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce), as well as rules of the Community and national law protecting public safety and security. Such mechanism should not hinder the development of information society, in compliance with the Directive on electronic commerce, and should preserve the fundamental rights of citizens to freedom of expression and information and their right to privacy.*



27.04.2009

A6-0257/3

**Amendment 5**

**Eva-Britt Svensson**

on behalf of the GUE/NGL Group

**Recommendation for second reading**

**A6-0257/2009**

**Malcolm Harbour**

Electronic communications networks and services, protection of privacy and consumer protection

16497/1/2008 – C6 0068/2009 – 2007/0248(COD)

Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks

**Council common position – amending act**

**Article 1 - Point 22 (b) 3**

Directive 2002/22/EC

Article 33 paragraph 3

*Council common position*

*Amendment by Parliament*

3. Without prejudice to national rules in conformity with Community law promoting cultural and media policy objectives, such as cultural and linguistic diversity and media pluralism, national regulatory authorities and other relevant authorities may promote cooperation between undertakings providing electronic communications networks and/or services and sectors interested in the promotion of lawful content in electronic communication networks and services. That cooperation may also include coordination of the public interest information to be provided pursuant to Article 21(4)(a) and Article 20(1).

***To be deleted***

Or. en

*Justification*

*The amendment is in line with Article 32a of Directive 2002/22/EC adopted in first reading (Amendment 166). Any mechanism for the purpose of the promotion of lawful content does not fall within the scope of Directive 2002/22/EC. Any restrictions to the rights of users to access content, services, and applications should be implemented only if they are absolutely necessary and are implemented by appropriate measures, in accordance with the principles*

*of proportionality, effectiveness and dissuasiveness. Such measures should not conflict with the fundamental rights of citizens, including the right to privacy, the right to freedom of expression and the right to due process.*

*Directive 2002/22/EC aims to protect users' right to use electronic communications services to access all content, services, and applications of their choice, and to provide the regulatory framework to facilitate such access recognised as a fundamental right by Community and national laws, including in particular Article 11 of the Charter of Fundamental Rights of the European Rights, without imposing unjustified and unnecessary restrictions to the right to such access.*

*Any mechanism for the purpose of the promotion of lawful content should fall solely within the scope of the relevant rules of Community and national and national substantive and procedural law, including Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, and Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce), as well as rules of the Community and national law protecting public safety and security. Such mechanism should not hinder the development of information society, in compliance with the Directive on electronic commerce, and should preserve the fundamental rights of citizens to freedom of expression and information and their right to privacy.*

## **Citizens rights amendments**

### **Part III**

#### **Implementing the guarantees for Internet users and improving regulatory transparency**

**Amendment 6****Eva-Britt Svensson**

on behalf of the GUE/NGL Group

**Recommendation for second reading****A6-0257/2009****Malcolm Harbour**

Electronic communications networks and services, protection of privacy and consumer protection

16497/1/2008 – C6 0068/2009 – 2007/0248(COD)

Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks

**Council common position – amending act****Recital 22***Council common position*

Given the increasing importance of electronic communications for consumers and businesses, users should be fully informed of the traffic management policies of the service and/or network provider with which they conclude the contract. Where there is a lack of effective competition, national regulatory authorities should use the remedies available to them under Directive 2002/19/EC (Access Directive) to ensure that users' access to particular types of content or application is not unreasonably restricted.

*Amendment by Parliament*

***With respect of their right to freedom of expression under Article 11 of the Charter of Fundamental Rights of the European Union, end-users should be able to access and distribute any content and to use any applications and/or services of their choice in accordance with the relevant rules of Community law and the national substantive and procedural law, without prejudice to the need to preserve the integrity and security of networks and services. Given the increasing importance of electronic communications or consumers and businesses, users should be fully informed of the traffic management policies of the service and/or network provider with which they conclude the contract. Disclosure should be such that consumers are able to make an informed decision, and enable them to freely choose among service and/or network providers. The information on the provider's traffic management policies should include the technology implemented by the operator for managing traffic, as well as rules and criteria such as the thresholds that will trigger changes in the users' experience of the services. It shall, where necessary,***

***disclose specific actions included in the traffic management policy. Depending on the technology used, this may require user consent under Article 6 paragraph 3 Directive 2002/58/EC.***

Or. en

### *Justification*

*Properly implemented traffic management policies are a powerful tool, but traffic management could also lead to discriminating against some technologies without a stringent technical justification. Endusers should be able to make an informed decision about their access to content, applications and services by means of electronic communications. Such decision should be based on consumers' free choice, which can only be ensured if consumers are aware of traffic management policies implemented by providers. Only in that case the implementation of traffic management policies will not be in conflict with the fundamental rights of citizens, including their right to privacy, the right to freedom of expression and the right to due process, in accordance with Article 32a of Directive 2002/22/EC adopted in first reading (Amendment 166). The amendment to Recital 22 calling for strengthened transparency in relation to traffic management policies implemented by undertakings provides substantive support to the proposed amendments to Article 20 paragraph 1 point (b) and to Article 21 paragraph 3 point (b). It also aims to restore the core of the substantial changes introduced by Recital 14 adopted in first reading (Amendment 11), that has been almost entirely reformulated by the Common Position, which simply turned the recital into a competition policy issue, suggesting that remedies should be relevant only in the lack of effective competition, partly those introduced by Recital 14b adopted in first reading (Amendment 194)) and partly those introduced by Recital 14c adopted in first reading (Amendment 190).*

**Amendment 7****Eva-Britt Svensson**

on behalf of the GUE/NGL Group

**Recommendation for second reading****A6-0257/2009****Malcolm Harbour**

Electronic communications networks and services, protection of privacy and consumer protection

16497/1/2008 – C6 0068/2009 – 2007/0248(COD)

Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks

**Council common position – amending act****Recital 26***Council common position*

A competitive market should ensure that users enjoy the quality of service they require, but in particular cases it may be necessary to ensure that public communications networks attain minimum quality levels so as to prevent degradation of service, the blocking of access and the slowing of traffic over networks.

*Amendment by Parliament*

***A harmonised regulatory framework for electronic communications services should ensure that users enjoy the quality of service they require, but in particular cases it may be necessary to ensure that public communications networks attain minimum quality levels so as to prevent degradation of service, the blocking of access and the slowing of traffic over networks. Traffic management rules or policies shall not discriminate among individual data streams. Traffic can be prioritized, blocked or filtered for certain streams only when such measures are both limited in time and supported by justified technical reasons, such as acute network congestion or in response to malicious activities threatening network security or end-user security. In any case, such measures should be as neutral as possible in respect of content and applications and must not result in the user not being able to access content, services and applications. Operators shall in any case respect the fundamental rights and freedoms of users and not give preferential treatment to their services or applications or of those of their partners.***

***The above does not preclude that prioritization, blocks and filters can be activated upon express request by the end-user, provided that the same can at least disable them at will.***

***Since inconsistent remedies will significantly impair the achievement of the internal market, the Commission should assess any requirements set by national regulatory authorities for possible regulatory intervention across the Community and, if necessary, adopt technical implementing measures in order to achieve consistent application throughout the Community.***

Or. en

#### *Justification*

*Directive 2002/22/EC aims to create a harmonised regulatory framework that secures the delivery of services. The provision of quality electronic communications services, about the characteristics of which end-users should be sufficiently informed, underpins citizens' right to access information in accordance with Article 11 of the Charter of Fundamental Rights of the European Union. This amendment serves the call for protection of citizens' rights and for more transparency in the way providers of electronic communications services traffic data, which is implemented in more detail in Article 20 paragraph 1 point (b) and to Article 21 paragraph 3 point (b).*

*The amendment intends to ensure that access to electronic communication services is not unduly restricted in light of the balanced approach between the right of end-users to freedom of expression, and their right to privacy and protection of personal data, and the rights and freedoms of others, including the right to the protection of intellectual property, and the protection of public safety and security, provided by Article 32a of Directive 2002/22/EC adopted in first reading (Amendment 166).*

*It also aims to restore some of the core substantial changes introduced by Recital 14b adopted in first reading (Amendment 194) and partly those introduced by Recital 14c adopted in first reading (Amendment 190), as well by Recital 14d adopted in first reading (Amendment 14).*

**Amendment 8****Eva-Britt Svensson**

on behalf of the GUE/NGL Group

**Recommendation for second reading****A6-0257/2009****Malcolm Harbour**

Electronic communications networks and services, protection of privacy and consumer protection

16497/1/2008 – C6 0068/2009 – 2007/0248(COD)

Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks

**Council common position – amending act****Article 1 - Point 13**

Directive 2002/22/EC

Article 20 paragraph 1 point (b)

*Council common position**Amendment by Parliament*

(b) the services provided, including in particular,

*(b) the services provided, including in particular,*

- information on the provider's traffic management policies,
- the minimum service quality levels offered, namely the time for the initial connection and, where appropriate, other quality of service parameters, as defined by the national regulatory authorities,
- the types of maintenance service offered and customer support services provided, as well as the means of contacting these services,
- any restrictions imposed by the provider on the use of terminal equipment supplied;

- *information on the provider's traffic management policies, including the technology implemented by the operator for managing traffic, as well as rules and criteria such as the thresholds that will trigger changes in the users' experience of the services or, where necessary, specific actions included in the traffic management policy. Depending on the technology used, this may require user consent under Article 6§3 Directive 2002/58/EC,*
- *the minimum service quality levels offered, namely the time for the initial connection and, where appropriate, other quality of service parameters, as defined by the national regulatory authorities,*
- *the types of maintenance service offered and customer support services provided, as well as the means of contacting these services,*
- *any restrictions imposed by the provider on the use of terminal equipment supplied;*



*Justification*

*The amendment underpins the balanced approach in protecting the rights and freedom of end-users and the rights and freedoms of others provided in Article 32a of Directive 2002/22/EC adopted in first reading (Amendment 166). The amendment strengthens transparency with respect to the way providers of electronic communications services are operating to enable end-users' access to content, applications, and services of their choice. The provision of information related to the traffic management policies provided by electronic communications providers is an essential prerequisite to implement the principle of protecting fundamental citizens' rights provided by Amendment 166.*

**Amendment 9****Eva-Britt Svensson**

on behalf of the GUE/NGL Group

**Recommendation for second reading****A6-0257/2009****Malcolm Harbour**

Electronic communications networks and services, protection of privacy and consumer protection

16497/1/2008 – C6 0068/2009 – 2007/0248(COD)

Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks

**Council common position – amending act****Article 1 - Point 13**

Directive 2002/22/EC

Article 21 paragraph 3 point (b)

*Council common position**Amendment by Parliament*

(b) inform subscribers of any change to the provider's traffic management policies;

*(b) inform subscribers of any change to the provider's traffic management policies, including the technology implemented by the operator for managing traffic, as well as rules and criteria such as the thresholds that will trigger changes in the users' experience of the services or, where necessary, specific actions included in the traffic management policy. Depending on the technology used, this may require user consent under Article 6§3 Directive 2002/58/EC;*

Or. en

*Justification**The amendment underpins the balanced approach in protecting the rights and freedom of end-users and the rights and freedoms of others provided in Article 32a of Directive 2002/22/EC adopted in first reading (Amendment 166). The amendment strengthens transparency with respect to the way providers of electronic communications services are operating to enable end-users' access to content, applications, and services of their choice. The provision of information related to the traffic management policies provided by electronic communications providers is an essential prerequisite to implement the principle of protecting fundamental citizens' rights provided by Amendment 166.*

27.04.2009

A6-0257/8

**Amendment 10**

**Eva-Britt Svensson**

on behalf of the GUE/NGL Group

**Recommendation for second reading**

**A6-0257/2009**

**Malcolm Harbour**

Electronic communications networks and services, protection of privacy and consumer protection

16497/1/2008 – C6 0068/2009 – 2007/0248(COD)

Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks

**Council common position – amending act**

**Article 1 – point 13**

Directive 2002/22/EC

Article 22 paragraph 3a (new)

*Council common position*

*Amendment by Parliament*

***3a – The rules and guidelines that a network operator has put in place to control the flow of traffic on the network for whatever purpose, or traffic management policies, shall not discriminate among individual data streams. Traffic can be prioritized, blocked or filtered for certain streams only when such measures are both limited in time and supported by justified technical reasons, such as acute network congestion or in response to malicious activities threatening network security or end user security. In any case, such measures should be as neutral as possible in respect of content and applications and must not result in the user not being able to access content, services and applications. Operators shall in any case respect the fundamental rights and freedoms of users and not give preferential treatment to their services or applications or of those of their partners. The above does not preclude that prioritization, blocks and filters can be activated upon express request by the end-***

***user, provided that the same can at least disable them at will.***

Or. en

### *Justification*

*“Traffic management policies” can be beneficial to solve temporary congestion or exceptional situations, and operators should be able to deal with those short term and exceptional situations. But traffic management could also lead to discriminating against some technologies without a stringent technical justification. The amendment aims to preserve that the communication infrastructure remains as neutral as technically feasible (in a similar way to the Guidelines published in February 200 by the Norwegian Post and Telecommunications Authority (NPT), Principle 3). This amendment also provides an implementation of the principles laid down by Article 32a of Directive 2002/22/EC adopted in first reading (Amendment 166) in the specific case of technical measures – and traffic management are technical measures – because they can either be totally neutral or considerably damaging to individual's and enterprise's freedom, as well as hindering some information society services by discriminating them. Recent cases of blocking of services because in competition with the services provided by network communication providers or their affiliates are eloquent of already present risks. This is the single most subtle area where users' rights can be jeopardized and where EU legislation must more clearly provide guidance to the network operators as to what is a technical measure and what instead is abusive and damaging to citizens and enterprises.*

27.04.2009

A6-0257/9

**Amendment 11**

**Eva-Britt Svensson**

on behalf of the GUE/NGL Group

**Recommendation for second reading**

**A6-0257/2009**

**Malcolm Harbour**

Electronic communications networks and services, protection of privacy and consumer protection

16497/1/2008 – C6 0068/2009 – 2007/0248(COD)

Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks

**Council common position – amending act**

**Article 1 – point 13**

Directive 2002/22/EC

Article 22 paragraph 3b (new)

*Council common position*

*Amendment by Parliament*

***3b –Member States shall ensure that national regulatory authorities are able to require undertakings providing public communications networks to provide information regarding any traffic management policies and make them well publicized in an easily understandable and consistent way. Member States shall ensure that national regulatory authorities have all the powers necessary to investigate cases of undisclosed traffic management policies and/or cases in which such policies conflict with art. 22 point 3a and to take appropriate remedies. National regulatory authorities shall additionally ensure that there is a facility in place by which users can monitor and identify any problems created by traffic management policies in cases where disputes may arise.***

Or. en

### *Justification*

*This amendment aims to restore Article 28 paragraph 2a of Directive 2002/22/EC adopted in first reading (Amendment 101) and to coordinate the language with the use of “traffic management policies” concepts, and to place the investigatory and regulatory powers provisions more close to the substantive provisions of citizens rights. As with Amendment XXX] providing a new Art. 22.3a. 22.3a, the aim is to prevent that technical measures are put in place and conflict with user's rights and/or hinder information society's services by discriminating against some of them. The proposed Article introduces an overseeing power and duty upon the national regulatory authorities which reads directly on the obligations laid down by Art. 22.3.*

**Amendment 12****Eva-Britt Svensson**

on behalf of the GUE/NGL Group

**Recommendation for second reading****A6-0272/2009****Catherine Trautmann**Electronic communications networks and services  
16496/1/2008 – C6 0066/2009 – 2007/0247(COD)

Directive 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities

**Council common position – amending act****Article 2 - Point 7 (a)**

Directive 2002/19/EC

Article 9 paragraph 1

*Council common position*

1. National regulatory authorities may, in accordance with the provisions of Article 8, impose obligations for transparency in relation to interconnection and/or access, requiring operators to make public specified information, such as accounting information, technical specifications, network characteristics, terms and conditions for supply and use, including traffic management policies and prices.

*Amendment by Parliament*

1. National regulatory authorities may, in accordance with the provisions of Article 8, impose obligations for transparency in relation to interconnection and/or access, requiring operators to make public specified information, such as accounting information, technical specifications, network characteristics, terms and conditions for supply and use, including traffic management policies and prices.

***Traffic management policies are the rules and guidelines which a network operator has put in place to control the flow of traffic on the network for whatever purpose. Disclosure should be such that it facilitates undertakings seeking interconnection and/or access to operators' networks or associated facilities to the benefit of end-users, who will eventually be able to freely choose among services and/or network providers.***

Or. en

### *Justification*

*This amendment provides an implementation of the principles laid down by Article 32a of Directive 2002/22/EC adopted in first reading (Amendment 166) in the specific case of technical measures – and traffic management are technical measures – because they can either be totally neutral or considerably damaging to individual's and enterprise's freedom, as well as hindering some information society services by discriminating them. Recent cases of blocking of services because in competition with the services provided by network communication providers or their affiliates are eloquent of already present risks.*