

**CA 6**  
**USD recital 26 QoS**

Note: AMs \_\_\_\_ covered and fall.

TEXT IN ITALICS WITHIN BRACKETS SUBJECT TO FURTHER DISCUSSION

Recital 26

(26) A competitive market should ensure that users receive 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. *[One way for operators to meet quality of service requirements is to use procedures involving measuring and shaping traffic on a network link so as to avoid network congestion and poor performance. Such procedures should not be anti-competitive, which they for instance could be deemed to be in the case of an operator with significant market power giving preferential treatment to services or applications provided by itself or its partners, thereby disadvantaging services and applications of other providers, to the detriment of the development of the information society. Competent national authorities should be able to verify that such procedures do not restrict competition and to remedy any abuse.]* 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.