

Opinion for the evaluation of the application of Regulation (EU) 2015/2120 and the BEREC Net Neutrality Guidelines



Objectives and general conclusions of the evaluation

- **Scope**
 - the Regulation (EU) 2015/2120 and the BEREC Net Neutrality Guidelines
- **Approach**
 - collect input from stakeholders at an early stage on the application of the Guidelines (March/April 2018)
 - collect input from NRAs on experiences with the application of the Guidelines
- **General conclusions**
 - the NN rules work well and fulfil the aim of protecting end-users' rights and internet innovation
 - no review of the Regulation desired by BEREC
 - nevertheless, Guidelines could be clarified in certain instances in order to strive for consistency in the application of the Regulation
 - the Regulation seems to leave considerable room for implementation of 5G technologies

- **New technologies (e.g. 5G)**
 - the Regulation seems to leave considerable room for implementation of 5G technologies (e.g. network slicing, 5G QoS class identifier (5QI) and Mobile Edge Computing)
 - to date, BEREC has no knowledge of any concrete example given by stakeholders where the implementation of 5G technology would be impeded by the Regulation
- **BEREC will consider *further clarifications* on**
 - commercial practices: e.g. a step-by-step methodology for zero-rating, or by addressing new variants of zero-rating
 - traffic management: e.g. on differentiating QoS for IAS, data compression, blocking of content, legitimate security issues, the duration of traffic management measures
 - specialized services: e.g. on the definition of SpS, the relationship between SpS and IAS, the impact of SpS on the general quality of IAS
 - transparency: e.g. on the scope of transparency requirements, mobile IAS speed, hybrid IAS, the process of certification

- **Internet value chain**
 - BEREC notes that the open access to, and provision of, services and applications that the Regulation seeks to maintain could potentially be affected in practice by developments further up or along the internet value chain to which the Regulation does not apply.
 - BEREC therefore concludes that **this subject should be kept under scrutiny at European level** for further consideration in ongoing and future regulatory developments.
- **Next steps starting 2019**
 - BEREC has concluded that no substantial changes are needed, but *further clarifications* could be provided the Guidelines
 - BEREC will next year start the activity “Update to the Guidelines”
 - BEREC will involve stakeholders via a written consultation of the updated draft Guidelines in October 2019