### **Open Internet Code Review**

A Study for the Broadband Stakeholder Group

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#### Context

**EU-Regulation** (10788/15)

# Connected Continent Regulation

Part 1

Safeguarding the Open Internet

Part 2

Abolition of Surplus Roaming Charges in Europe

#### Context

2 Codes of Practice to

# Foster Competition and Transparency

Established in 2011

Traffic Management Transparency Code

Established in 2012

Open Internet Code of Practice

### **Objectives**

Assess the

#### value of the UK's self-regulatory approach

in the context of the Connected Continent Regulation

Assess the

#### effectiveness of the Codes

their principles and their impact on UK users

Assess the

#### compliance of the Codes

in the context of the Connected Continent Regulation

Propose a

#### vision for the Codes

in the context of the Connected Continent Regulation



### The Value of the UK's Self-Regulatory Approach

Particularly well-suited for

competitive and innovative sectors
with many new entrants

Based on

social norms and conduct of peers

their performance is usually better than government regulation

Drawn up by industry experts,

rules are more appropriate

as they profit from first-hand knowledge

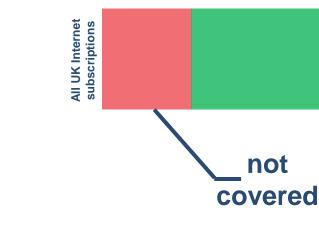
In practice,

the dialogue around the Codes has been just as important as the Codes themselves

Today signatories to the Codes cover

# More Than 90% of all UK Internet Subscriptions







Signatories' KFIs clearly show

### **Prevalence of Full Internet Access Service Products**

The overwhelming majority of IAS products offer full access to all legal content

Blocking is done to

protect consumers from spam or bill shocks

Signatories' KFIs clearly show

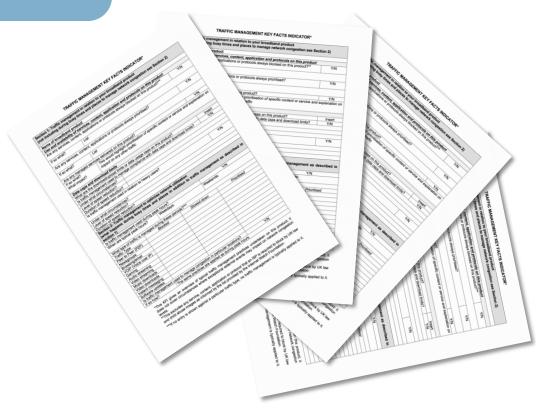
## Absence of negative discrimination

All signatories refrain from continuous throttling of specific contents or applications



Consumer and competition profit as

# KFIs make traffic management transparent



#### What Do Signatories of the Codes Think?

Stakeholders agree that the

### Codes have met their goals

The Codes have fully achieved the objective of ensuring...

6.3

Prevalence of full IAS products in the UK

6.0

Full transparency for consumers

6.2

Flexibility for stakeholders in a changing market

6.0

Effective process for complaint resolution

6.7

Prevention of negative discrimination

out of 7

Concept or principle in the Codes

# Concept of the Open Internet

Compliance assessment			Proposals to adapt the	
Codes go further than Regulation	Regulation goes further than Codes	Concept not covered in Regulation	Codes	
Compliant (with minor updates)			Update the concept to	
			reach compliance	



Concept or principle in the Codes

# Principle not to block legal content, applications and services or categories thereof

Compliance assessment			Proposals to adapt the	
Codes go further than Regulation	Regulation goes further than Codes	Concept not covered in Regulation	Codes	
Compliant			Address the gaps in the	
-	✓	-	Codes	



Concept or principle in the Codes

# Products that offer full Internet access are the norm

Compliance assessment			Proposals to adapt the	
Codes go further than Regulation	Regulation goes further than Codes	Concept not covered in Regulation	Codes	
Compliant			Maintain unaltered as the	
✓	-	-	Code adds value	



Concept or principle in the Codes

# Ability to offer alternative types of products

Compliance assessment			Proposals to adapt the	
Codes go further than Regulation	Regulation goes further than Codes	Concept not covered in Regulation	Codes	
Compliant (assuming that alternative products are outside of Regulation's scope/application)			Develop a clear understanding of these	
			products	



Concept or principle in the Codes

# Right to develop and offer managed services

Compliance assessment			Proposals to adapt the	
Codes go further than Regulation	Regulation goes further than Codes	Concept not covered in Regulation	Codes	
Compliant (need to establish additional prerequisites)			Address the gaps in the	
		Codes		



Concept or principle in the Codes

# Reasonable traffic management

Compliance assessment			Proposals to adapt the		
Codes go further than Regulation	Regulation goes further than Codes	Concept not covered in Regulation	Codes		
Partially compliant (reconsider some traffic management practices)			Develop a set of compliant traffic		
			management (good) practices		



Concept or principle in the Codes

# Transparency about traffic management practices - KFIs

Compliance assessment			Proposals to adapt the	
Codes go further than Regulation	Regulation goes further than Codes	Concept not covered in Regulation	Codes	
Compliant			Maintain unaltered as the	
✓	-	-	Code adds value	



Concept or principle in the Codes

# Monitoring of the commitments

Compliance assessment			Proposals to adapt the	
Codes go further than Regulation	Regulation goes further than Codes	Concept not covered in Regulation	Codes	
Compliant			Maintain unaltered	
-	-	-		



Concept or principle in the Codes

# Voluntary process for raising concerns

Compliance assessment			Proposals to adapt the	
Codes go further than Regulation	Regulation goes further than Codes	Concept not covered in Regulation	Codes	
Compliant			Maintain unaltered	
-	-	-		



#### **Vision for the Codes**

Based on our review, we have developed a

#### **General vision**

Stakeholders agree that there needs to be a

fitting and consistent interpretation of the Regulation

By defining good practices and anticipating future market developments the Codes could once again be ahead of their time

#### **Our Recommendations**

Recommendation 1

merging of the two Codes

Recommendation 2

provide consistent guidance for the UK market as regards the Regulation

Recommendation 3

proactively address services other than IAS

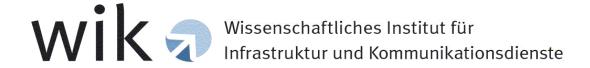
Recommendation 4

improve KFIs further

in light of current research insights

Recommendation 5

maintain Ofcom's position and complaint process



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